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4 SELECT COMMITTEE TO INVESTIGATE THE
5 JANUARY 6TH ATTACK ON THE U.S. CAPITOL,
6 U.S. HOUSE OF REPRESENTATIVES,
7 WASHINGTON, D.C.

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11 DEPOSITION OF: FRANK J. SCAVO III

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15 Wednesday, June 1, 2022

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17 Washington, D.C.

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20 The deposition in the above matter was held via Zoom, commencing at 10:02 a.m.

21 Present: Representative Lofgren.

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2 Appearances:

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5 For the SELECT COMMITTEE TO INVESTIGATE

6 THE JANUARY 6TH ATTACK ON THE U.S. CAPITOL:

7

8 [REDACTED] PROFESSIONAL STAFF MEMBER

9 [REDACTED] CHIEF CLERK

10 [REDACTED] FINANCIAL INVESTIGATOR

11 [REDACTED] INVESTIGATIVE COUNSEL

12 [REDACTED] SENIOR INVESTIGATIVE COUNSEL

13

14

15 For the WITNESS:

16

17 CORNELIUS J. ROTTEVEEL

18 Comerford Law

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2 Mr. [REDACTED] Good morning. This is the deposition of Frank Scavo conducted by
3 the House Select Committee to Investigate the January 6th Attack on the United States
4 Capitol pursuant to House Resolution 503.

5 Mr. Scavo, please state your full name and spell your last name for the record.

6 The Witness. Frank Joseph Scavo III. S-c-a-v, as in Victor, o.

7 Mr. [REDACTED] Thank you very much, Mr. Scavo. And would you please raise your
8 right hand to be sworn by the court reporter.

9 The Witness. Yes, sir.

10 The Reporter. Do you solemnly swear and affirm under the penalty of perjury
11 that the testimony you are about to give will be the truth, the whole truth, and nothing
12 but the truth?

13 The Witness. Yes, I do.

14 Mr. [REDACTED] Thank you very much.

15 So this will be a staff-led deposition. I'm [REDACTED] investigative counsel for
16 the select committee. I don't see any Members of Congress with us on the Zoom. But
17 [REDACTED], an investigator with the select committee, is also with us and he might
18 pop in from time to time.

19 So for this deposition, we'll follow the House deposition rules that we have
20 provided to your counsel previously. Under the House deposition rules, you are
21 permitted to have an attorney present.

22 And at this time, I would ask that your counsel please state his name and spell his
23 last name for the record.

24 Mr. Rotteveel. Appearing is Cornelius J. Rotteveel, R-o-t-t-e-v, as in Victor, e-e-l,
25 with Comerford Law.

1 Mr. [REDACTED] Thank you very much.

2 And under the House deposition rules, neither committee members nor staff may
3 discuss the substance of testimony that you provide today, Mr. Scavo, unless the
4 committee approves the release. You and your attorney will have an opportunity to
5 review the transcript.

6 And before we begin, I'd like to describe a few ground rules. So there is an
7 official reporter transcribing the record of this deposition. The reporter is also joining us
8 by Zoom, so please wait until each question is completed before you begin your response,
9 and we will try to wait until your response complete before we ask our next question.
10 You know, over the Zoom, it's just really hard if we're talking over each other for the
11 reporters to understand what we're saying.

12 The reporters also cannot record nonverbal responses, such as shaking your head,
13 so it is important that you answer each question with an audible, verbal response. And
14 for the benefit of the reporters and the record, there may be times where I spell a name
15 or a word that we're using or that I ask that you do the same.

16 And we also ask that you provide complete answers based on your best
17 recollection. If the question is not clear, just ask for clarification. That happens. And
18 if you do not know the answer, please simply say so. Logistically, just let us know if you
19 need a break for comfort or to speak to your attorney, and we're happy to accommodate
20 that.

21 So throughout the deposition, we will be directing your attention to exhibits,
22 which will be displayed on the screen. And when we refer you to a document, you can
23 take time to familiarize yourself with it before we discuss it.

24 So I am going to attempt some technology here. Bare with one second, Mr.
25 Scavo.

1 Can you see the exhibit displayed on the screen?

2 The Witness. Yes.

3 Mr. [REDACTED] Great. And do you recognize this as the subpoena that the select
4 committee issued to you?

5 The Witness. Format is different. I didn't see these first two pages, but the
6 actual subpoena itself, I'm familiar with. So I did not see -- now, this is where -- this
7 third page you're showing, that is the subpoena I received.

8 Mr. [REDACTED] Okay, great. Thank you.

9 So under these House deposition rules, Mr. Scavo, you may only refuse to answer
10 a question to preserve a privilege recognized by the select committee. If you refuse to
11 answer a question based on a privilege, staff may either proceed with the deposition or
12 seek a ruling from the chairman on the objection. If the chairman overrules such an
13 objection, you are required to answer the question.

14 So at this time, I would ask your counsel to please place on the record any
15 objections that he might have or make any opening remarks.

16 Mr. Rotteveel. No objections at this time.

17 Mr. [REDACTED] Thank you very much.

18 Mr. Scavo, I also want to remind you, as we do with all witnesses, that it is
19 unlawful to deliberately provide false information to Congress. Since this deposition is
20 under oath, providing false information could result in criminal penalties, to include for
21 perjury and/or providing false statements. Do you understand?

22 The Witness. Yes.

23 Mr. [REDACTED] Thank you very much.

24 EXAMINATION

25 BY MR. [REDACTED]

1 Q So on to the substantive questions, Mr. Scavo. How old are you?

2 A Fifty-nine.

3 Q And can you describe your educational background for me?

4 A I have an associate's degree in business management and various other
5 courses, Dale Carnegie business management type courses, completed high school, and
6 various other educational endeavors.

7 Q And were those at Pennsylvania schools, universities, those types of places?

8 A You know, some of them were online, distance learning. But, yeah, the
9 certificate degrees are from Pennsylvania.

10 Q Thank you. And what's your current occupation?

11 A Current occupation is real estate investment.

12 Q Again, in Pennsylvania?

13 A Yes.

14 Q And you currently live in the Lancaster area of Pennsylvania. Is that
15 correct?

16 A Scranton area.

17 Q Scranton area. I'm sorry.

18 A Old Forge, Pennsylvania.

19 Q My geography of Pennsylvania is not perfect. So I appreciate the
20 correction.

21 So speaking of Pennsylvania, did you ever hold elected office anywhere in
22 Pennsylvania?

23 A Yes, for 13 years.

24 Q And which office was that?

25 A School director, Old Forge School District.

1 Q When did you first take that office?

2 A 2001.

3 Q So 2001 to 2014 or so?

4 A 2001 through 2008, two terms. And then I was appointed for a year and
5 then ran for another term. So I finished up in 2017.

6 Q 2017. Got it. And did you finish because you didn't win reelection or
7 because of another term limit type situation?

8 A Elections.

9 Q Sorry. I didn't hear you.

10 A Elections. An election.

11 Q Got it. And after you left office in 2017, did you stay engaged in politics in
12 Pennsylvania?

13 A Yes.

14 Q And how did you stay involved?

15 A Ran for a special election for the State representative seat in 2019.

16 Q And did you win that election?

17 A No.

18 Q Okay. And besides running for that office, were you involved with other
19 local political organizations at the time?

20 A Yes. I'm an elected committee man for the Lackawanna County Republican
21 Committee. And I'm also an elected chairman of the Old Forge Republican Committee.

22 Q And what do those jobs entail -- or positions? I'm sorry.

23 A Candidate selection. They include issue advocacy campaigns. They
24 include working the polls. And they include fundraising and just generally getting out to
25 vote, door-to-door knocking, things like that.

1 Q That's very helpful. Thank you.

2 Were you working also, then, with State Republican committees, State Republican
3 officers in those roles?

4 A You know, mainly working through the county office, these people would be
5 present, but I really didn't coordinate with them. They were relying on my coordination
6 of the local voters and the local databases.

7 Q And how did you get those positions?

8 A From just being active, from being, you know, present and able to speak to
9 people.

10 Q So were you selected, like, appointed for them or did you have to run and
11 win some sort of, you know, official vote?

12 A Well, for the elected, yeah, I mean, you have to run. You get your petition,
13 you circulate it, get 10 signatures on it, then you're on the ballot. And then during the
14 primary, you would be -- people vote for you.

15 Q And that's for both the Lackawanna County one and the Old Forge?

16 A And Old Forge, yes.

17 Q Great. Thank you.

18 So in terms of your associations with people in Pennsylvania politics, did you know
19 Doug Mastriano?

20 A Not personally, just as a candidate. And I don't believe -- yeah, never
21 really -- I met Doug probably twice in the whole -- in his whole election cycle.

22 Q And how about Scott Perry?

23 A Never. Never met Scott. Never had a conversation.

24 Q Speaker of the House, Bryan Cutler?

25 A Never met Bryan.

1 Q And then someone not directly in politics, but how do you know Alexandra
2 Preate?

3 A Alexandra Preate, through her father, Ernest Preate, who was one of my
4 counselors, one of my attorneys.

5 Q When was he your attorney?

6 A From January -- and this is estimating, but if you need firm dates,
7 somewhere January 2021 through current.

8 Q Okay. Did you know Ms. Preate before then?

9 A Just casually. You know, I might see her at a function or something, so just
10 very casual.

11 Q Did you work with her on political issues?

12 A Somewhat.

13 Q So do you remember how you met her?

14 A Yeah. I met her at her father's -- at her father's office here in Scranton, the
15 attorney's office.

16 Q In 2021?

17 A No, that was before that. Probably might have been 2015, 2016.

18 Q Okay. So you knew Mr. Preate before he was your counsel in 2021?

19 A Right. He went to school with my mother. So in this tight-knit small
20 community here in Lackawanna County, yeah, Ernie being the former attorney general,
21 he knows quite a lot of people, and the family having coming from Old Forge, yeah, I
22 know Ernie from, God, 1980, even earlier.

23 Q Okay. Basically, sounds like -- and please correct me if I'm
24 wrong -- although you knew Ms. Preate for, let's say, roughly 7 years or so, you guys had
25 more of a casual relationship than a close friendship?

1 A Correct.

2 Q And you two were not what you would call a work associate, someone you
3 relied on all the time to work political issues in Pennsylvania?

4 A No.

5 Q Okay. Did you work with her on political issues before the 2020 election in
6 Pennsylvania?

7 A I don't recall. Nothing major.

8 Q Got it. And did Ms. Preate introduce you to Steve Bannon?

9 A Yes.

10 Q Do you remember when she introduced you?

11 A I believe it was sometime in October of 2020.

12 Q Was that because you appeared on his show or for some other reason that
13 she introduced you?

14 A That was before my appearance on Steve's show. This was, she just
15 happened to call in one day while I was driving. And I asked her, I said, hey, you know,
16 what is Steve Bannon doing, and can he appear at one of our gatherings. And she said, I
17 can call him and find out. And that was the introduction to Steve Bannon.

18 Q Okay. And did he appear at a rally that you had prior to the
19 November 2020 election?

20 A He didn't appear, but he did call in via Zoom.

21 Q Okay. And do you remember where this event took place?

22 A Yeah. The event was the October 2020 preelection. It was at the Rod of
23 Iron Freedom Festival.

24 Q Got it. And Mr. Bannon had not, to your knowledge, had not appeared at
25 that festival prior to October 2020?

1 A No, not to the best of my knowledge.

2 Q Okay. Do you happen to know if he asked Ms. Preate to reach out to you
3 about it or this was just more coincidence?

4 A You know what, coincidence, because I don't know any background. But it,
5 like I said, just happened to be that she had called me, and I had thought, okay, let's see if
6 we could have Steve call into our venue.

7 Q Do you know why Mr. Bannon agreed to call into that rally?

8 A Yeah. There was -- it's attended by approximately 3,000 people, and it's a
9 great voter outreach event.

10 Q And this was prior to the November 2020 election, so --

11 A Right.

12 Q -- do you remember at the time whether Mr. Bannon was talking about
13 getting out the vote issues or was he already talking about election fraud issues?

14 A It was getting out the vote, and it was, you know, that Pennsylvania would
15 be key. So that was the message delivered in about -- it was a Skype call, so it was about
16 15 minutes. But, you know, all of our activities are based around GOTV, get out the
17 vote.

18 Q That's what Mr. Bannon was there to do?

19 A Uh-huh.

20 Q Understood. Thank you.

21 And so this was the Rod of Iron Freedom Festival. We might circle back to this in
22 a minute, but is that Sean Moon's organization that runs that?

23 A Correct. Yes.

24 Q And with his brother Justin Moon or was it just Sean?

25 A Justin.

1 Q Okay.

2 A You know, I'm not sure. They're two brothers and they are present. So,
3 you know, it might be more Sean because of the Rod of Iron, so that's what their church
4 moniker is, Rod of Iron. So, you know, Justin may just be a participant. So it's probably
5 more Sean, although I don't know that association that well.

6 Q Understood. Thank you.

7 So back to Mr. Bannon. Do you have a sense of how many times you have
8 spoken to him directly outside of when you appeared on the War Room podcast?

9 A Twice.

10 Q And when were those times?

11 A The first one -- well, actually, it was the Rod of Iron Freedom Festival
12 October 2020.

13 Q Right.

14 A And then on my timeline that I furnished to the committee, on
15 December 29th where I was the MC for that Kahr Arms rally, Steve had called into that
16 same event. So that -- and my limitations in speaking to Steve were, okay, Steve, we got
17 you piped in, your Skype is ready. And, you know, him saying, okay, let's move this.
18 And as soon as he was ready to go, I said, okay, Steve, it's yours. So not a lot of
19 conversation with Steve. He's not a very conversive person.

20 Q So you didn't have conversations with Steve one-on-one outside of literally
21 just setting him up to speak on the Skype?

22 A Nope. Never.

23 Q And other than the one time you appeared on War Room
24 December 30th -- for the record, is that the day that you appeared on War Room,
25 actually? I didn't ask you, so --

1 A You know, let's put it this way, I don't recall the date, but it was in that
2 timeframe. It may have been -- what date do you have?

3 Q December 30th. I can represent to you that's the day you appeared, if that
4 helps.

5 A Okay. Yeah, so that's when it was, December 30th.

6 Q And that's the only time you've been on his show?

7 A It's the only time I've been on the War Room, to the best of my knowledge.

8 Q Understood. Thank you.

9 And has Ms. Preate ever talked to you about her relationship with Steve Bannon?
10 Do you have any sense of what it's like?

11 A Just aside from her uttering, I'll check with Steve, I'll get with Steve. I
12 mean, Steve is not really a subject of conversation, except for speaking at these meetings.
13 So, you know, the answer to that is possibly, but not any deep discussions about
14 anything.

15 Q So let's focus on the November 2020 to January 2021 timeframe. Do you
16 remember any times that Ms. Preate told you about a conversation she had with
17 Mr. Bannon about something beyond, you know, setting him up to be a speaker at your
18 event?

19 A Not that I recall.

20 Q Thank you. So do you also know someone named Teddy Daniels?

21 A Yes.

22 Q And how do you know Mr. Daniels?

23 A Met Teddy Daniels in 2019 when I was, I believe, running for that special
24 election. And Teddy Daniels had announced that he was going to be a candidate for
25 Pennsylvania's Eighth Congressional District. So that's when I met Teddy Daniels.

1 Didn't know him before that. Didn't know his background. Didn't see anything of his
2 YouTube videos.

3 Q Okay. The Eighth Congressional District, was that a district next to yours or
4 overlapping or --

5 A I'm in it.

6 Q Were you running against each other in that special primary?

7 A No, no. That's Federal, the congressional. I was State.

8 Q Oh, he was doing -- sorry. I missed that. He was doing the Federal?

9 A Yeah.

10 Q Okay. Got it. And do you know if Mr. Daniels is part of an organization
11 known as Vets for Trump?

12 A Yes. He's something. I don't know if he's a field coordinator or if he's
13 chapter president, but, yeah, something Vets for Trump.

14 Q What did he tell you about the organization?

15 A Not much, just that he is in it and they ride motorcycles and, you know, I'm
16 not even sure if they hold rallies or political outreach. Was never really a conversation.

17 Q Okay. Do you know anything independently about Vets for Trump? Or, at
18 the time, did you know anything like, say, November 2020 to January 2021, putting aside
19 what you might have learned subsequently?

20 A You know, if I know anything, it might be from a Facebook post. It might be
21 from just the comments. So, really, Vets for Trump, I don't even know how strong of a
22 presence they have in the area. So no.

23 Q Okay. So you never worked with the organization yourself, outside of
24 Mr. Daniels?

25 A No, not that I recall.

1 Q And do you know if Mr. Daniels had any associations with Proud Boys, Oath
2 Keepers, militia groups, anything like that?

3 A No.

4 Q No, you don't know, or, no, he wasn't?

5 A No, I don't know if he has any associations or, you know, anything to do with
6 those groups.

7 Q Did you ever see him wearing like a patch that had three Roman numeral I's
8 on it, a Three Percenter patch, if you know what it is?

9 A No, not that I recall.

10 Q I'm sorry. What?

11 A I don't think I've ever seen that type of display.

12 Q Okay. And did Mr. Daniels travel with you to Washington, D.C., on
13 January 6th?

14 A Yes, he did.

15 Q Okay. Thank you.

16 And back to Sean Moon, or Pastor Moon, how did you meet him?

17 A I met Pastor Moon at some function where I was speaking as a candidate,
18 and he had come up to me and said, hey, you know what, I like what I hear, I agree with
19 you. And that was probably back -- that might have been even before the school board
20 of maybe 2012. I mean, it was a very casual first acquaintance, and then I probably
21 didn't see much of those guys for a little bit.

22 I was trying to prepare for this deposition, I'm trying to think, you know, when did
23 you meet these guys, because it's all pretty insignificant in my daily routines of just
24 working. So, you know, when I met Sean, probably way back when in 2012, and, like I
25 said, very casually, conversant, and then that was it.

1 Q And did you have a time later on where you became more -- I don't want to
2 say involved, might be the wrong word, but you worked more with Mr. Moon or you
3 associated with him more?

4 A Yeah. He was in the political circles I was in. So, yeah, we definitely came
5 to be acquaintances at that point.

6 Q And was that closer to the 2020 election?

7 A Yeah. Yeah, definitely 2015, 2016.

8 Q Okay. And you kept working with him throughout President Trump's first
9 administration then or you kept associating with him?

10 A Yeah. Association.

11 Q Yeah.

12 A You know, working is a different --

13 Q Right. Sorry.

14 A Associating is a much looser non-pro forma definition.

15 Q In that time period, then, did you organize rallies with Mr. Moon or was it all
16 get out the vote stuff with him?

17 A Aside from the Rod of Iron, there may have been some other get out the
18 votes, but the Rod of Iron is very structured and official and, you know, things like that.
19 Whereas, some of the other rallies might just have been a phone call saying, Hey, Frank,
20 are you busy, can you stop up and say a few words. So there has been associations like
21 that. Not numerous, but they have occurred.

22 Q So did you have an official role for the Rod of Iron Festival in 2020?

23 A No. No compensated positions. If anything, I would either be a speaker
24 or an MC. But those are all not compensated.

25 Q Why did you feel empowered to ask Steve Bannon to show up then?

1 A Steve had a powerful message on election integrity and getting out the vote,
2 and he is definitely a well-spoken individual. So, you know, having people hear from
3 Steve Bannon versus myself, yeah, Steve Bannon will deliver a message to a broader
4 audience. So that's definitely why Steve Bannon was speaking.

5 Q Right. But did Mr. Moon like deputize you to find other speakers or did you
6 take that upon yourself?

7 A No. That was -- yeah. That was just, okay, let me see if I can get Steve
8 Bannon. But I don't believe there was any conversations as to, hey, Frank, you need to
9 reach out to Steve Bannon.

10 Q So do you remember being MC for the Rod of Iron Festival in October 2020?

11 A Yes.

12 Q Okay. And as MC, besides getting Mr. Bannon to appear, what else did you
13 do for that festival?

14 A I think it's important [REDACTED], to correct that. All I did was place the
15 Zoom call for Steve Bannon to appear. So he had -- scheduling and planning had been
16 done by that -- that Rod of Iron versus myself. I think they had reached out to him and,
17 you know, said, hey, can you come.

18 So what I did was called his Skype number and said, okay, Steve, you're all set up.
19 And then he began to speak. And so --

20 Q Maybe you can clarify that then for me a little bit. So you made the initial
21 ask to Ms. Preate, and then Mr. Bannon's folks worked with the Rod of Iron Festival folks?

22 A Yeah. I think that's what I recall.

23 Q Okay. And outside of that work as MC, did you reach out to anyone else to
24 be speakers or ask anyone else to participate?

25 A To the best of my knowledge, no. I don't think I did reach out to anyone

1 else.

2 Q Great. Thank you.

3 And just in term -- it sounds like Mr. Moon was relatively -- or, sorry, Pastor Moon
4 was relatively active in local Pennsylvania politics. Do you know if he also was active in
5 the State politics, like the broader state?

6 A You know, aside from interviews on his podcast and the church, no, I'm
7 not -- I'm not keenly aware of anything but issue advocacy.

8 Q Okay. And what do you know about his church?

9 A I know that they have physical presence up in, I believe it's Newfoundland.
10 So they have -- they definitely have a church in Newfoundland. And they have some of
11 these ceremonies that I've seen publicized on TV with their, you know, marriages and
12 their firearms. So -- and he wrote a book. But that's pretty much -- that's pretty much
13 it.

14 Aside from the, you know, Rod of Iron, the festival, that's the three things I know.
15 They have the church, they have the festival, and he has the podcast.

16 Q And when you said Newfoundland, is that Canada?

17 A No. That's Pennsylvania.

18 Q Pennsylvania. Okay. And do you know if Pastor Moon has a relationship
19 with any militia groups?

20 A No.

21 Q No, you don't know?

22 A No, I do not know of any militia group associations.

23 Q And did he travel with you to Washington, D.C., on January 6th?

24 A No, he did not. The subpoena is incorrect in its description. Sean Moon
25 did not travel to Washington, D.C., January 6th on any of my transportation buses.

1 Q Do you know how he got to Washington, D.C., on January 6th?

2 A You know, I didn't see him there. I don't even know if he had made it. So,
3 yeah, I don't know how he got there and if he got there.

4 Q Were you in contact with him at all that day?

5 A Not on that day.

6 Q Were you in contact with anyone from his organization that day?

7 A Not to the best of my knowledge. Now, I did supply to the committee,
8 there was supposed to be a speaker's gathering where Sean Moon was going to speak, I
9 believe Teddy Daniels was going to speak, that -- the whole day was so disorganized that
10 never happened. So I didn't see anybody from the Rod of Iron, Sean Moon, for the
11 entire day. And it did not -- things just didn't materialize as they were supposed to.

12 Q Understood. Thank you.

13 And Justin Moon, that is Sean Moon's brother, correct?

14 A Correct.

15 Q So how do you know Justin Moon?

16 A Same way. Justin and Sean are together quite a bit when I meet them and
17 see them. You know, Justin is more of a businessman, so he's not always in the political
18 realm that Sean is. So I don't see Justin as frequently as I do Sean. But when I would
19 see them, you know, probably see them together and, you know, conversations, get out
20 the vote, candidates, legislation.

21 Q Got it. Do you know if -- do you know if Justin Moon helped organize the
22 Rod of Iron Festival?

23 A I mean, it's more of an assumption. I don't know how much direct
24 involvement is there. But, yeah, I would say that, you know, it's at his -- it's at his
25 facility, Kahr Arms, so I would say that he's involved in making some decisions.

1 Q But besides that assumption, you're not aware of any more formal role that
2 he took?

3 A Yeah. To the best of my knowledge, I mean, you know, if he's at a meeting,
4 if he's discussing, you know, whatever is going to happen at the Rod of Iron, if they're
5 going to have, you know, exits in the front, if they're going to have speaker stages on the
6 left. So he's, you know -- I guess I should ask you, Mr. [REDACTED] to clarify that question, if
7 you want to drill down like what is the question. Was my answer --

8 Q Your answer's fine. If you do not know -- like, if you do not know if he had
9 a more -- yeah. If you don't know, you don't know. So that's totally fine.

10 A Uh-huh.

11 Q And do you know a Charles -- I think I'm pronouncing his name
12 incorrectly -- but Bausman, B-a-u-s-m-a-n?

13 A Say that again, say the first name?

14 Q Charles Bausman, B-a-u-s-m-a-n?

15 A Not that I recall. Nothing of significance. Don't forget, I meet a lot of
16 people at my political rallies and I've knocked on tens of thousands of doors. So to say
17 that I recall him specifically, no.

18 Q Let me pull up exhibit 13. So can you see that, Mr. Scavo?

19 A Yeah. Uh-huh.

20 Q You see here on December 30th, 2020, Charles Bausman involved with
21 Lancaster, Pennsylvania for Free and Fair Elections is doing a -- sorry, he was live. So
22 he's doing a little live stream. It's a screenshot of you.

23 A So he's recording me?

24 Q Correct. Correct.

25 A Not that I recall. Do you have a picture of him that I could see? Charles

1 Bausman?

2 Q We have his -- it's hard to see the little photo there.

3 A Yeah.

4 Q But it looks like he was also at a January 3rd event recording you in this
5 moment.

6 A Yeah. I'm not -- is he somebody that said hi, Frank? Possibly. But I
7 don't recognize no Charles Bausman. But obviously, he's there recording in the crowd, I
8 may have set eyes on him. Charles Bausman? No.

9 Q Do you know of the group or the Facebook page Lancaster, Pennsylvania for
10 Free and Fair Elections?

11 A I believe so.

12 Q Mr. Bausman ran that page. So speaking of that page, what do you
13 remember about it?

14 A Not much.

15 Q Were you a member of the group?

16 A Possibly. There's a lot of Facebook clicks and likes that I have done.

17 Q And do you know of any role that this Facebook page played in organizing
18 political rallies in Pennsylvania between November 2020 and January 2021?

19 A Not that I recall.

20 Q Do you know if that Facebook page had any role in organizing for
21 January 6th?

22 A Yeah, not -- I mean, not that I recall. I don't remember if it did or not. I'm
23 not sure. Just, I could've been a member, may not be a member. But, yeah, I don't
24 remember any direct correlation with Charles Bausman saying, hey, you know what,
25 we're going to the Capitol on January 6th.

1 Q And to your recollection, have you ever had a one-on-one conversation with
2 Mr. Bausman?

3 A I may have. I talk to a lot of people.

4 Q Right. But do you remember specifically a conversation with Mr. Bausman?

5 A Not specifically, not to the best of my knowledge.

6 Q Do you know if Mr. Bausman was on one of the buses that you organized for
7 January 6th?

8 A I don't know everybody that was on there, but that's a long way to come
9 from Lancaster up to Pittston, Pennsylvania. So I don't recall.

10 Q Well, Mr. Baus -- did you ever attend events in a barn at [REDACTED]
11 [REDACTED] in Lancaster, Pennsylvania?

12 A Do we have a date?

13 Q No. Just in general.

14 A A barn. Millersville. Not to the best of my knowledge.

15 Q Okay. And do you know of a group called the National Justice Party?

16 A Not to the best of my knowledge, no.

17 Q Thank you very much, Mr. Scavo.

18 And then these next questions, we do also ask all witnesses, so bare with me.
19 They're about your document collection.

20 And did you check your personal computer for documents that would've been
21 responsive to the subpoena?

22 A Yes, I did.

23 Q And you checked your personal email account ending at @yahoo.com?

24 A Yes, I did.

25 Q Okay. Did you check your cell phone for any messages on there, like text

1 messages, voice mails, any emails or other apps, photos that might have been caught on
2 your cell phone?

3 A On the cell phone, yes. But it's important to note that on Facebook and
4 Twitter, I was deplatformed. So anything after -- or before January maybe 20th, 2020, is
5 gone. I don't have access to that.

6 Q Understood. Thank you.

7 And did you check messaging apps, both on your cell phone and possibly on a
8 computer, for responsive messages, you know, Signal, WhatsApp, Telegram -- not Twitter
9 since you got deplatformed -- but things of those nature?

10 A You know, I'm not really on Telegram or any of those. So the answer is no,
11 because I'm -- best of my knowledge, I didn't put anything on those.

12 Q Understood. Thank you very much.

13 So we're going to shift gears. Now all my questions are going to be more or less
14 focused on the time period after the 2020 election and up through January 2021, just to
15 give you a frame of reference.

16 So after the November 2020 election, did you personally think the election had
17 been stolen from former President Trump?

18 A Speaking to Pennsylvania only -- I'm a Pennsylvania resident, I'm an elected
19 committee man -- there were many questions on election integrity, and specifically the
20 Pennsylvania vote with Secretary of State Kathryn Boockvar. So, yes, I had concerns on
21 election integrity.

22 Q Why do you specifically mention the secretary of state's election?

23 A Because Supreme Court Justice Samuel Alito had put on a ruling that the
24 ballots were to be kept separate and not counted until a further ruling, and Secretary of
25 State Kathryn Boockvar disregarded the Supreme Court Justice's ruling and went ahead

1 and counted those ballots.

2 Q Okay. So, sorry, did you mean because of her role in counting the ballots
3 or her specific election?

4 A Her role as Secretary of State in the Commonwealth of Pennsylvania.

5 Q And were there any other reasons that you questioned the integrity of the
6 2020 election?

7 A Yes. The Philadelphia ballot observation where the poll watchers were not
8 allowed to see the ballots in Philadelphia as they were being counted, extremely
9 concerning when it goes to election integrity.

10 Q And have you become aware or did you learn even at the time the courts in
11 Pennsylvania had rejected those claims and, you know, found that there was no real harm
12 to the issues that you described?

13 A I'm not aware of every ruling. And I'm not sure if there are still cases
14 pending, but at that point in time, I'm not sure if those rulings had come out, but that was
15 a concern.

16 Q And do you remember when you came to that belief or when those concerns
17 started bubbling up?

18 A I mean, reports from the media would be almost immediate as, you know, in
19 Pennsylvania, the question was at what time do we stop counting ballots, at what date do
20 we no longer receive ballots. So, yeah, there was a lot of media coverage that leads
21 right into the fact that, okay, you know, Secretary of State Kathryn Boockvar is not
22 adhering to the Pennsylvania election law.

23 Q And were those media reports, did some of those occur prior to the
24 November 3rd election?

25 A I thought we're now at --

1 Q Yeah. I'm so sorry. Yeah. I was just asking a followup.

2 A Well, listen, that's all happenstance. Until the votes are cast and the votes
3 are counted -- whatever they say before that is, you know, hearsay.

4 Q I should have been clearer about my question.

5 Did any media reports or any other social media posts add to your concerns about
6 the possibility of election fraud before the election happened?

7 A Yes.

8 Q All right. And that's partially -- you know, Justice Alito's opinion came out
9 before the November 3rd election, obviously.

10 Were President Trump's social media posts before the 2020 election something
11 that you paid attention to?

12 A Not entirely, no.

13 Q So when he was posting things like, you know, mail-in ballots lead to election
14 fraud, did that influence you at all?

15 A It's all political. No.

16 Q Were you only paying attention to local media sources then?

17 A Well, you know, more credible sources.

18 Q Such as?

19 A Local media.

20 Q So then President Trump to you was not a font of election information?

21 A No. He had concerns. I'll give him that. He had all these concerns but,
22 you know, at that point, these concerns did not materialize. And, yeah, so it was not -- it
23 was not my guiding and defining decision-making data.

24 Q And what -- when did you decide that President Trump's statements about
25 the election were more political than informative?

1 A Well, he's always been that way. That's been the lead-up to every election.

2 Q Sorry. To every election?

3 A Even if it's not Trump, it's all political candidates speak the same generalities
4 and make accusations and, you know, voice their concerns.

5 Q And I guess, then, specific to the November 2020 election, did you not find
6 President Trump's posts to be credible?

7 A Somewhat. Incredulous.

8 Q Can you expand on that a little bit? What's the somewhat?

9 A You know, it just -- it was -- you know, it was political -- it was political
10 speech. Political speech.

11 Q Right.

12 A May not have been filled with, you know, a hundred percent accuracy, truth.
13 You know, it was a politician trying to motivate his voters and voting block to get out
14 there and vote.

15 Q So let's think about after the election. And Pennsylvania, as you know, was
16 a hot topic of conversation, especially for the President.

17 Were you paying attention to what he was saying about Pennsylvania's election
18 specifically after the 2020 election?

19 A It was more with the secretary of state and demonstrable, you know, state
20 law infractions that I was concerned with. Did Trump hit upon a few of them?
21 Absolutely. But it was more let's listen to what the Pennsylvania legislature has to say.
22 Let's listen to what Supreme Court Justice Alito has to say versus Donald Trump.

23 Q So, for example, when President Trump claimed that 250,000 more votes
24 were counted in Pennsylvania than there were voters, is that a claim that you found to be
25 credible or incredible?

1 A Incredible. I'm not sure.

2 Q You don't remember that specific claim by President Trump?

3 A No. No, I don't. I remember claims, but there were many claims.

4 Q So, I guess, then, did you become involved in "stop the steal" efforts in
5 Pennsylvania after the election?

6 A Well -- "stop the steal." Yeah. That was more of -- yeah, I'm not even
7 sure if "stop the steal" was national, if there was -- I think -- but locally, you know, we had
8 some local protests on street corners asking to -- not to certify the electors, not to certify
9 the votes.

10 Q So just to separate "stop the steal," then, the Stop the Steal national
11 organization, something run by Ali Alexander, were you part of any of those, that tree of
12 organizations?

13 A No. Not -- you know, unless at the local level, but no one specifically said,
14 hey, reach out and let's see if we can do this. No. I never met or spoke to this Ali
15 person.

16 Q Got it. But would you say, then, that local protests, you know, don't certify,
17 get State legislatures that --

18 A Yeah.

19 Q Would that be part of the "stop the steal" sort of more broad understanding
20 of the phrase?

21 A You could put that under that umbrella.

22 Q Great. So which local organizations did you participate with?

23 A It was probably -- it's a very loose affiliation of people that would show up
24 on the street corners and say, okay, hey, we're going to, you know, wave some flags for
25 an hour down here at this street corner. So there was many times that it would go on

1 that I wouldn't be aware of, and then there's sometimes that I'd see it and stop and say hi
2 and participate.

3 Q Did you organize any of those local protests?

4 A I might have organized -- help organized the first one, which I believe was
5 down in Wilkes-Barre.

6 Q Do you remember what you did for that one?

7 A I think I told them I'll show up, I'll be there.

8 Q And who were you telling to show up?

9 A So long ago I don't even remember how --

10 Q Was this Facebook outreach? Did you create a Facebook group?

11 A You know what, I think you're hitting -- my Facebook was gone from that
12 period. So it probably was some organizing on Facebook. You know what, you're
13 right. That's when a lot of this stuff happened, hey, we're going to be here, we're going
14 to be here on Facebook. So that's where I'd see it, say, okay, I'll see you there. I think
15 you've helped me out there to remember how a lot of this happened. I don't recall a lot
16 of it.

17 Q And when you say -- so like when you say we, would be X, Y, Z, you're talking
18 about other organizations would be somewhere and you would show up?

19 A You know, not so much other organizations but, you know, the regular
20 participants that would be at these rallies. So there are other elected committee
21 people. There are other campaign people. There's other people that, you know, are
22 political, and they would show up. So it's all your local political people that would show
23 up.

24 But across the street, there would be the other political people counterprotesting.
25 So there would be the other side, the other party, you know -- and I don't have any idea

1 how they organized either, but it kind of happened similarly. You know, we'd be on one
2 corner; they'd be on the other corner.

3 Q Right. Was Pastor Moon and the Rod of Iron Ministries, were they one of
4 these regular attendees at these events?

5 A You know, to the best of my knowledge, Pastor Moon, no. But I believe
6 there were other participants, Asians that did frequent these events that I'd see. So I'm
7 not sure what the affiliation is, but that's -- there were people of Asian descent at a lot of
8 these events.

9 Q Okay. But you don't know if they were actually members of Pastor Moon's
10 church or had any other affiliation with Pastor Moon?

11 A Not to the best of my knowledge. If -- you know, it might have -- I don't -- I
12 don't know the church that intimately so, you know, it could have been.

13 Q Got it. Was Teddy Daniels one of the regular participants at these?

14 A Not a regular participant. He might have been -- he might have went to
15 one, if any. But, yeah, was not -- that's not Teddy's thing. He doesn't, you know, go
16 stand on a street corner protesting.

17 Q And in terms of -- I'll call them rallies, for lack of a better term, protests, the
18 ones that you organized, did you create Facebook groups? Were you calling people?
19 How did you get people to show up?

20 A Pretty much Facebook. Very limited on calls. It would be send out a post
21 on Facebook, because that's more effective than making calls absolutely. It was more
22 effective.

23 Q And do you remember how many of those rallies or events that you created?

24 A You know, it was probably maybe in the area of 10 at the most. Probably
25 three, four for sure. But that's -- you know, if we're talking about the timeframe of

1 January 2021, maybe one or two, in that area. It would be three would be from 2016
2 forward, that amount of 10 would be, you know --

3 Q Okay. So maybe three to four between November 2020, January 2021,
4 something like that?

5 A Yeah. Something like that.

6 Q And did you ever have direct contact with anyone in the White House during
7 that time?

8 A No.

9 Q Okay. How about Rudy Giuliani?

10 A No.

11 Q Any State legislators in Pennsylvania?

12 A Not really. You know, just on the timeline I provided to the committee,
13 when we did go November 17th to Jake Coreman's office and then Bryan Cutler's office,
14 but those guys weren't in. So really not any face-to-face verbal contact.

15 Q Understood. Okay. And we'll move on to some Washington, D.C., rallies
16 now.

17 Did you attend a rally for former President Trump in Washington, D.C., on
18 November 14th, 2020, Mr. Scavo?

19 A Yes. Yes, I did.

20 Q And why did you attend?

21 A Wanted to go down and see what was going on.

22 Q Did you attend because of your views about the election?

23 A Yes.

24 Q Okay. And at that time, were you also concerned about election fraud in
25 States besides Pennsylvania?

1 A Yeah. The election in general, the 2020 election, yes.

2 Q And in terms of where you were getting that information, what led you to
3 the belief that there were election problems in States besides Pennsylvania?

4 A The reporting from, you know, State Senator Wendy Rogers from Arizona.
5 She had put out her take on the election. Local media definitely speaking about
6 Secretary of State Kathryn Boockvar.

7 And like I say, I highlight Pennsylvania because this is what I know and this is
8 absolute fact. Some of the other things, I don't know that well from other States, could
9 be conjecture. But in Pennsylvania, I know what the law is and I know what we all
10 witnessed and lived through. So, you know, I'm speaking directly about Pennsylvania
11 and not so much any other State or source.

12 Q Where were you learning about problems in States like Arizona, Michigan,
13 Wisconsin, the other contested ones?

14 A Facebook, emails, talk radio.

15 Q Do you remember if there were specific people who were posting or
16 speaking that really resonated with you?

17 A You know, just that I was receiving the emails from Wendy Rogers from
18 Arizona. That is pretty much the one that sticks out. The rest, it's just in a sea of
19 information.

20 Q Do you have a personal relationship with Ms. Rogers?

21 A Uh-uh.

22 Q How did you come to find yourself on her email listserv?

23 A Boy, she was running a very tough election race in Arizona. It was for the
24 balance of the Senate so, you know, these kind of things come on my radar. So I
25 followed her as a candidate.

1 Q Is that because of your positions with the Lackawanna County and the Old
2 Forge?

3 A No. This was personal. This was just a personal observation.

4 Q Okay. So you pay attention to local politics in other States?

5 A Yeah, races in other States.

6 Q All right. Did anything President Trump was saying about those other
7 States impact your views on what was happening regarding to the 2020 election?

8 A You know, it alerted me to, you know, these issues, but as a textbook source
9 of reference, Donald Trump is not my textbook source and reference.

10 Q Okay. So similar to what you said about the Pennsylvania claims, you didn't
11 always take President Trump's word as gospel?

12 A Correct.

13 Q As you found, he might sometimes not say the whole truth in those claims,
14 right?

15 A Yes.

16 Q Okay. Thank you.

17 So for the November 14th rally, did you organize a group of people to go with you
18 to Washington, D.C.?

19 A No. It was organized by another person.

20 Q Who was that?

21 A They secured the transportation. That other person was Debbie Lee.

22 Q And Ms. Lee, as you just said, and I apologize for interrupting, she secured
23 the transportation?

24 A Yes.

25 Q Okay. And who is Debbie Lee?

1 A She is an acquaintance, a resident of Lackawanna County.

1

2 [11:02 a.m.]

3 BY MR. [REDACTED]:

4 Q Does she have any ties with the local Republican Party or the State
5 Republican Party?

6 A Not to the best of my knowledge.

7 Q Just a concerned citizen then?

8 A Yes.

9 Q And she funded the bus, or did she just organize the bus?

10 A She organized. And then when everybody showed up, they collected the
11 payments and then paid the bus driver. That's same way we did it with my bus driver.

12 Q Okay. Did she ask you to have any sort of leadership role for the bus?

13 A She asked if there was anybody that I knew, and I posted on Facebook and
14 said, hey, you know, we're going down to Washington, D.C., if anybody wants to go. So
15 that's a Facebook post.

16 Q Okay. And people just responded and showed up?

17 A Yes.

18 Mr. [REDACTED] Do you need to take a quick recess? I saw someone --

19 Mr. Rotteveel. I was going to say -- yeah. I think we have to feed the meter.

20 The Witness. We've got to feed the parking meter.

21 Mr. Rotteveel. So could we take 5 minutes? 10 minutes maybe?

22 Mr. [REDACTED] Yeah. Want to just come back at 11:12 to be safe?

23 Mr. Rotteveel. Yeah. Sounds good.

24 Mr. [REDACTED] All right. We'll go on recess at 11:02. Thank you.

25 [Recess.]

1 Mr. [REDACTED] Let's go back on the record at 11:18.

2 BY MR. [REDACTED]

3 Q So, Mr. Scavo, I was asking before about the bus that you took to
4 Washington, D.C., on November 14, 2020.

5 Do you remember who else was on the bus? And I'm not looking -- sorry -- I'm
6 not looking for everybody's names, but do you have a general recollection of who was on
7 the bus?

8 A You know, Debbie Lee, myself. Who else was on the bus?

9 Q Was Pastor Moon on the bus?

10 A No. No. No.

11 Q How about Teddy Daniels?

12 A Teddy Daniels wasn't on the bus.

13 Q Any members of your local Republican groups? By "members," I mean
14 people who also served in some sort of official capacity for the Lackawanna County or
15 the --

16 A No. This was mainly from up valley, you know. Debbie Lee lives up in
17 Olyphant; that's up valley. That's about 20 to 30 miles away. So there was a lot of
18 people on that bus that I did not know. So I'm not even sure how effective my post
19 saying "hey, anybody else want to go on this bus ride" was, because I pretty much went
20 by myself on the bus.

21 Q Understood.

22 A But I know Teddy and Sean and those guys were not on the bus.

23 Q Great. Thank you.

24 And were you personally in contact with any of the organizations or groups
25 putting on the rally in Washington, D.C., on November 14th?

1 A On the 14th, no.

2 Q Okay. And, just generally, how about any Proud Boys?

3 A No.

4 Q Oath Keepers?

5 A No. But --

6 Q Not to your knowledge.

7 A Yeah, not to my knowledge, yeah.

8 Q How about anyone in the 1st Amendment Praetorian group?

9 A Oh, I've never even heard of that one. No.

10 Q Okay. Any members of militias?

11 A No.

12 Q And anyone who identified as a Three Percenter?

13 A No.

14 Q And for all those groups that I just mentioned, to your knowledge, have you
15 ever had any contact with any of them about the November 2020 election or about
16 January 6th?

17 A Not to the best of my recollection, no.

18 Q Okay. Thank you.

19 So I am going to show you an exhibit.

20 So, Mr. Scavo, I will -- can you see this exhibit, first of all?

21 A Yes.

22 Q Okay. So I'll scroll to the top quickly so you can see. This is a text
23 message that was produced to us from Ms. Preate, and you can see the "FS" at the top
24 and "Frank."

25 A Uh-huh.

1 Q And would you say that these are your text messages with Ms. Preate?

2 A Oh, yeah. That's the Trump rally.

3 Q Great.

4 So, going back down then, so you see this text message is on November 15, 2020,
5 that you send to Ms. Preate. You say, "Call me..10 day plan for Victory..we better
6 move."

7 What was this 10-day plan for victory?

8 A "10 day plan for Victory..we better move." Probably getting the votes to be
9 either investigated or whatever other legal avenues to get with the Pennsylvania
10 legislature and not certify.

11 Q Well, why 10-day?

12 A Because it's a round number.

13 Q Was there a specific set number of goals that were to be achieved step by
14 step or something?

15 A November 26th is not -- I mean, it doesn't -- there's not really any
16 significance to it. I mean, I don't see anything that happened on November 26th. So
17 saying a 10-day plan, you know, sometimes that's the way I speak -- 10-day, 7-day. So,
18 yeah, to the best of my knowledge, there's no significance or planning associated with
19 that cursory text.

20 Q All right. So, to the best of your recollection, your plan was similar to the
21 overall plan, of convincing State legislators to somehow decertify -- well, certification
22 hadn't happened at this point.

23 A Yeah.

24 Q To change the electoral count in Pennsylvania for --

25 A To question the certification of the vote. Yep. So that's exactly what it

1 was.

2 Q Okay.

3 Did anything about the November 14th rally, you know, push you to text this to
4 Ms. Preate?

5 A Other than that it was a pretty nice day, well-attended, no violence, great,
6 uplifting experience. That was probably the motivation behind that.

7 Q Okay. Did you and Ms. Preate ever work together on your plan for victory
8 in Pennsylvania?

9 A Not to the best of my knowledge. I don't think -- I don't believe she has the
10 contacts at the State level.

11 Q How about anyone else in Pennsylvania or -- sorry -- anyone else in
12 Pennsylvania elected office? Did anyone help with that -- with you on this?

13 A No. No.

14 Q Okay. And so were you working with anybody on this plan?

15 A Pretty much no. I'm not -- that's why I said that's just a cursory text
16 saying --

17 Q Okay. So how did you hope that this plan for victory would happen?

18 A Well, ideally, the Pennsylvania legislature would hold Kathryn Boockvar in
19 contempt of the legislature because she was going outside of State law.

20 Q And to influence that behavior, you were just planning on using rallies and --

21 A Exactly.

22 Q -- letters, things of that nature?

23 A To the speaker of the house and to the senate pro tem.

24 Q Okay. But other than that, you had no back-channel communications with
25 elected officials in Pennsylvania or the congressional delegation from Pennsylvania to

1 influence Pennsylvania State legislators?

2 A Not to the best of my knowledge.

3 Q And any communications with the White House about influencing the
4 Pennsylvania State legislators' decisions about the 2020 election?

5 A With the White House, unless there was a contact I'm unaware of, no.

6 Q Okay. And how about any of the other people in President Trump's
7 orbit -- so Rudy Giuliani, Sidney Powell, you know, Donald Trump, Jr., those types of
8 people that didn't have an official role in the White House?

9 A No. Nope.

10 Q Okay. Thank you.

11 Did you attend the December 12, 2020, rally in Washington, D.C., for former
12 President Trump?

13 A December 12th. Not -- no. Nope, I wasn't at that one.

14 Q Great.

15 So, on December 29, 2020, did you help organize a rally at Justin Moon's business
16 for election events?

17 A I don't -- you know, aside from a Facebook post, no, I didn't help organize
18 that rally. But I did speak. I was the emcee at that rally.

19 Q Okay. And who was the primary organizer of that rally?

20 A You know what? I would say Justin. Justin Moon.

21 Q Well --

22 A And Sean.

23 Q And Sean. Okay. What was Pastor Moon's role?

24 A Just to facilitate, use the facility, and, you know, get those interested people
25 there to go over -- don't forget, Teddy was running for office, so this is -- you know, this is

1 him staying in the public eye. And that's what this rally and meeting was. Okay, you
2 know, let's get together and see what's going on with this election, the election integrity.

3 Q Teddy Daniels, had he already lost the election by then, or was his election --

4 A Yes, he had lost that election. But Teddy stayed in the public eye and did
5 also, you know, continue to run --

6 Q Got it.

7 A -- for that. So this was just an extension of that campaign.

8 Q So, in your mind, was the event more of a campaign rally for Teddy Daniels
9 than anything else?

10 A Yeah. Yeah, it was a Teddy Daniels campaign rally. And it was, you know,
11 somewhat of an update on the election process in Pennsylvania.

12 Q And who was providing the election update? Was that your job as emcee?

13 A No. Nope. I just strictly welcomed everybody and introduced the
14 candidates. So Teddy gave the update. Sean -- I'm not even sure if Justin spoke at that
15 event, but Sean spoke.

16 Q Okay. Do you remember what they talked about specifically as to the
17 election?

18 A Yeah, the concerns about election integrity, about the counting of the votes
19 in Pennsylvania. So those were always the two main concerns, the two main
20 centerpieces of all the operations.

21 Q Did they talk about January 6th at all?

22 A You know, we're not even at January 6th, because that's December 29th.

23 Q Correct.

24 A Oh, you mean -- no.

25 Q I'm sorry. In advance.

1 A There was no visions of Washington at that point, no. Right.

2 Q Well, I'll represent to you -- and we'll probably get to this in a bit -- but
3 people had already been planning to go to Washington, D.C., by December 29th.

4 Was any of the conversation that Mr. Daniels or Mr. Moon had about what would
5 happen in Washington, D.C., with the certification of the vote?

6 A Not that I recall.

7 Q Do you remember anything about the rhetoric, specifically that it was violent
8 or that mentioned Vice President Pence, either together or separately?

9 A Not that I recall.

10 Q Did they talk about Vice President Pence at all?

11 A They may -- January 6th -- uh, 29th? No, because the votes hadn't
12 been -- no, not that I recall.

13 Q Okay.

14 Do you remember -- and I'll just pull this back up. So you mention in a text
15 message that I'm coming to -- sorry, I went past it. Okay. Where did it go?

16 I apologize.

17 Okay, here. On December 29th, in the morning, I think you and Ms. Preate are
18 organizing logistics for this. And you say, "Chrissy can do anything you need. Spoke to
19 her this morning."

20 Do you know who Chrissy is?

21 A Chrissy, I believe, is one of the tech people at Kahr Arms. I think she's the
22 one that can -- and it might even be a he. I'm not 100 percent sure. But that would be
23 the contact that would set up, you know, the Skype link and things like that.

24 Q Right.

25 And I know we talked about -- a little earlier, you mentioned that Mr. Bannon

1 spoke at this event.

2 A Uh-huh.

3 Q Can you just, like, walk me through how that happened, how you got
4 Mr. Bannon to -- or how Mr. Bannon came to speak at the event?

5 A So I believe that Alex had texted me or sent me his Skype phone number.
6 So, when we were ready, I simply called in to that number. I believe someone else
7 answered the phone and said, "Okay, I'll check the connection," and they said, "Steve will
8 be on in a minute." And I do recall that somebody else was speaking before Steve, and
9 he kept saying, "Frank, Frank, get me on."

10 So that's as simple and as in-depth as my involvement was. It was pretty much,
11 call in to this number and say we're ready to go. And Steve came on and says, "Okay,
12 get me on." And I said, "Okay. You've got to wait a couple minutes. This guy is just
13 finishing up." And then when whoever it was that was speaking was done, we put Steve
14 on the audio.

15 Q But why did you want Mr. Bannon to speak?

16 A Once again, Steve reaches more of an audience than I do. He's more of a
17 motivator than I am. And that's why we wanted Steve to speak.

18 Q And do you know why Mr. Bannon agreed to speak?

19 A Yeah. Once again, he's looking to get out the vote, and he's looking to
20 question the election integrity, the integrity of the vote here in Pennsylvania.

21 Q So what vote was he trying to get out, since the election had already passed?

22 A So perhaps he wasn't trying to get out the vote. At this point, it was to see,
23 okay, what happens next? What -- you know, how are these votes being counted?
24 Who's going to hold the secretary of state, Kathryn Boockvar, accountable for her
25 actions?

1 So I don't 100 percent recall everything that Steve said, but that's the generality of
2 it.

3 Q Do you know if Mr. Bannon called in to other local rallies besides yours in
4 other States or in other parts of Pennsylvania?

5 A Not that I'm aware of.

6 Q Do you know why he had a -- seems to have had -- and, again, seems to have
7 had -- a particular interest in northeastern Pennsylvania?

8 A Yeah, because this northeast Pennsylvania is key. If there's an area of the
9 State that can go Republican, this is it. So that's why he has interest in Pennsylvania and
10 northeast Pennsylvania.

11 Q Okay.

12 And, to your knowledge or memory, did Ms. Preate ever explain to you specifically
13 why Mr. Bannon was willing to talk at the Kahr Arms complex on December 29th?

14 A You know, not specifically. It's just that, you know, if there was an event,
15 Steve would be willing to speak at it.

16 Q Was he willing to speak at other events that you had held -- or that you were
17 part of? Sorry.

18 A We didn't ask him.

19 You know, two things. We don't want to wear out our welcome, we don't want
20 to overuse Mr. Bannon. Because then it's not such a big event, for Steve Bannon to call
21 in. So, yeah. I mean, it was just the limited usage.

22 And I don't know what his schedule's like, I don't know what else he did. I only
23 know that the three times we reached out, he was able to -- he was able to be there.

24 Q Sorry. You say the three times that you reached out?

25 A Well, you know what? Rod of Iron and whatchamacallit. Twice. Rod of

1 Iron and then this December 29th Kahr Arms.

2 Q Maybe, were you thinking of a future -- another Rod of Iron event, like, later
3 in 2021 --

4 A No.

5 Q -- he might've been at?

6 A Not -- no, he was only at the one Rod of Iron and the one -- yeah, so two.

7 Q Okay.

8 Do you remember what Mr. Bannon said to the group?

9 A Unfortunately, no. Being the emcee, I'm worrying about introducing the
10 next speaker, getting the bio for the next guy. So, you know, if you've ever been an
11 emcee, [REDACTED] you don't really listen to the speakers. Your job is to get them going,
12 and then you're ready for the next succeeding speaker. So sometimes they run long,
13 sometimes they were short, so you have to be ready with your next participant. So --

14 Q Do you have any sense or, like, recollection of the topics he was talking
15 about, aside from --

16 A Yeah. Just what the general theme of the day was. You know,
17 Pennsylvania, we have to get in touch with our legislators, we're questioning the integrity
18 of the vote, and we have to make sure that, you know, the actions taken by the secretary
19 of state are taken into account in counting these votes. So that's the theme of pretty
20 much everything after November 3rd.

21 Q And, obviously, those issues did affect national politics, but do you
22 remember if Mr. Bannon focused more on Washington, D.C., at all in his speech -- you
23 know, the certification of the vote happening 7, 8 days, 9 days from December 29th?

24 A You know what? Not to the best of my knowledge. Like I say, I wasn't
25 100 percent immersed in what he had to say.

1 Q Got it.

2 Let me pull back up those text message between you and Ms. Preate.

3 A Yeah, see? Starting calling out, no answer.

4 Q Yeah.

5 All right. So, right here, these are still on December 29th. But it looks like, later
6 in the night, Ms. Preate wants to know if Steve was helpful. "Is the next job getting
7 everybody to D.C. on January 6?"

8 Do you remember talking to Ms. Preate about January 6th?

9 A You know what? I can tell you this. If we did speak, at this point I said I'm
10 not going. Because I wasn't -- I didn't plan on going to Washington, D.C., on January 6th.
11 So I'm not sure when that solidified, but -- yeah. So --

12 Q But --

13 A And did Steve mention that during this conversation? He may have. But,
14 like I testified, I don't recall.

15 Q Just a quick point of clarification then. So if we go earlier in these text
16 messages, on December 22nd, you text Ms. Preate, "I also have a bus going to D.C.
17 January 6 from Biden's hometown Scranton! Hope to have 200..im organizing now..it
18 ain't over."

19 A Hmm.

20 Q So are you sure you weren't planning on going to Washington, D.C., on
21 December 29th?

22 A Well, then guess what? Then we were planning on going to D.C. Yep.

23 Q Okay. So does that help spur your recollection about either what
24 Mr. Bannon said about January 6th or what you talked to Ms. Preate about January 6th?

25 A No. It just -- it just moves that timeline for me in my memory that says,

1 okay, yeah, we were planning to go to D.C. on -- and that is dated December 22nd.

2 Q Yeah. So, by December 22nd, you had already begun organizing for
3 January 6th, it seems. Is that correct?

4 A Yes.

5 Q Okay. And we'll come back to that in a little bit.

6 But back to the night of December 29th, Ms. Preate asks, "How was his speech,"
7 "his" being Mr. Bannon's.

8 You say, "Great..we have 100 patriots riding to Lancaster tomorrow to protest
9 house speaker Cutler..no short ride..Steve fired em up said now or never. He said to call
10 him and let him know..I'll call him enroute tomorrow.."

11 A Uh-huh.

12 Q And so let's focus on the "Steve fired em up said now or never." What do
13 you remember about Mr. Bannon's rhetorical impact on the crowd?

14 A So, when you go -- go back up a little bit on that text.

15 Q Sure.

16 A See the date and the time. So that's December 29th at 9:17.

17 Q Yeah. I can --

18 A Okay. So --

19 Q I can scroll up a little if you'd like. These are a little -- they're not produced
20 in the best manner. But earlier than that is just what you said before, about trying to
21 get him on the phone. So they go from trying to get him on the phone to, it seems,
22 after, how did the event go, was Steve helpful.

23 A Yeah, so pretty much, at this point, we're going to go down to Cutler's
24 and -- whatchamacallit -- for the meeting to talk to him about the election integrity. So,
25 yeah, we had -- you know what? That's probably a little bit of an overstatement, 100

1 patriots. But we put together some people to ride down. And -- yeah, so when Steve
2 called in, I'm not sure what his context was when I put down "now or never," but --

3 Q Did Mr. Bannon --

4 A Yeah, I --

5 Q Did Mr. Bannon know about the December 30th protest when he called in?

6 A I don't -- I don't recall. I'm not sure. I don't think it was planned at that
7 point, when he called in, or had called in. I think it was afterwards. It might've been
8 after his call-in. It might've been a little bit later that afternoon.

9 Q So you might've had another conversation with him after the --

10 A No. No. We were -- he was done speaking. It might've been with the
11 people that were there that said, what can we do?

12 Q Okay. So you hadn't -- to your knowledge, you hadn't planned the
13 December 30th before Mr. Bannon --

14 A No.

15 Q -- called in?

16 A No. Huh-uh.

17 Q So, then, why did Mr. Bannon say "to call him and let him know..I'll call him
18 enroute tomorrow.."?

19 A That's after he hung up.

20 Q So how did you communicate with Mr. Bannon after he hung up?

21 A Through Alex.

22 Q I don't see any text messages here that represent that you had talked to her
23 about Mr. Bannon wanting you to call in the next day, so is there another way that you
24 might have communicated with her? Did you call her?

25 A You know what? It might've been a phone call. I'm not even sure. Do

1 you have the date I was on Steve Bannon's show?

2 Q December 30th.

3 A December 30th.

4 Q And do you talk about -- I can pull up the transcript if you'd like. You talk
5 about going to Speaker Cutler's house. You're en route to Speaker Cutler's house --

6 A Uh-huh.

7 Q -- when you call into the show on December 30th.

8 A Okay. So that's probably how it went. So, after Steve was done speaking,
9 people at the event said, what do we do? And that's when we decided to go down to
10 visit Speaker Cutler and -- yeah.

11 So I'm not -- I don't -- you know, to the best of my knowledge, I don't think Steve
12 knew about that. I think this all came together after he talked and as the event was
13 ongoing without -- you know, Bannon had called in. He was done.

14 Q Right.

15 A And I think this is just an update to Alexandra after that meeting, that call-in.

16 Q So, just for the record, then, the timeline that you remember is:
17 Mr. Bannon speaks. People get excited, fired up. They want to do something else.
18 You guys put together this plan to go to Speaker Cutler's house the next day. And then
19 somehow Mr. Bannon finds out about it after he's done talking.

20 A Yeah, through Alex.

21 Q Okay. And you think it's through Ms. Preate.

22 A Right.

23 Q And either -- that must've been a phone call that you had with her?

24 A Yeah, must've been a phone call.

25 Q Okay.

1 A Because I don't have, you know, Steve Bannon's number to call and go pick
2 up the phone and say, "Hi, it's Frank. What's going on?" All my conversations were
3 through Alex.

4 Q Okay.

5 So, in terms of these 100 patriots, who are those people that you were thinking
6 of?

7 A Well, I can tell you, Sean Moon did go to this one.

8 Q Yep.

9 A Teddy Daniels did not go to this one.

10 Some of the people that went were definitely some of the Asians that were there
11 from the church.

12 And then we all met up with people that were down there from Lancaster,
13 because I didn't know where Speaker Cutler's house was, but they did.

14 Q Were you in communication with that group before you went, in Lancaster?

15 A Yeah, probably -- probably was.

16 Q Okay. And do you think they might've been the ones who organized the
17 initial rally, or was it something that you organized and then you called the people in
18 Lancaster about?

19 A When we were in Lancaster on November 17th, they said that they would be
20 ready to do another rally anytime. So I would say it was co-organized.

21 Q Got it.

22 And aside from the candidates for office who were speaking, were there other
23 members of local Republican or statewide Republican groups at this --

24 A Huh-uh.

25 Q -- December 29th event?

1 A Not that I recall. Was there somebody there? Yeah, I think -- that's a
2 blur, so not that I recall. But there could've been.

3 Q Okay.

4 A And can you describe the general atmosphere of the day?

5 A Yeah. It was cold and rainy and -- yeah, it was a cold, rainy day. And the
6 atmosphere was kind of sullen but committed. You know, people were there
7 questioning the integrity of the election. And that's when it was -- it was the germane
8 centerpiece, you know, about the vote, certifying and decertifying the vote.

9 Q Why were people sullen?

10 A Well, because of the course of events, the actions of Secretary of State
11 Kathryn Boockvar, the courts, and the weather.

12 Q So did people expect that on January 6th Joe Biden would be certified as the
13 President of the United States?

14 A I can't answer that question. You know, we didn't know what effect this
15 rally would have on anything, if it had any effect. So, you know, we didn't know. It
16 was a question, it was definitely a question, as to what would happen.

17 Q Okay.

18 A And then in terms of the rally at Speaker Cutler's house the next day, can you
19 describe what happened or what went on?

20 A The following day?

21 Q Yeah. December 30th.

22 A Nothing that sticks out in my mind. I went back to work, did whatever I do.
23 You know, there might've been some communication that said, "Hey, we are down at
24 Cutler's, let's see what happens," but nothing -- unless you have something to show me, I
25 don't recall anything of importance.

1 Q I'm trying to remember which one of these rallies it was. Was Speaker
2 Cutler home, do you know?

3 A He never -- we never met him. I'm not sure if he was home or not.

4 Q Okay. Do you know if his son was home -- or his child?

5 A No, I have no idea of that.

6 Q Okay.

7 On that same day, December 30th, right here, Ms. Preate on December 30th at
8 10:01 a.m. asks you for Pastor Sean's number.

9 A Uh-huh.

10 Q And you just -- you know, you provide it to her. Do you know why
11 Ms. Preate wanted Pastor Moon's number?

12 A Probably to interview him, see how things went down at the rally. That's
13 an assumption. But, you know, if she wants Pastor Sean's number, that's a simple
14 request I complied with.

15 Q But she never explained to you why she wanted it?

16 A No. No, huh-uh.

17 Q Okay.

18 And then we mentioned that you called in to Steve Bannon's "War Room" podcast
19 that day on the way to the rally. Do you remember if it was your idea or his that you
20 would call in?

21 A Well, I'm always available as your elected Republican committeeman, so any
22 airtime I get is valuable in giving the message on getting out the vote and election
23 integrity.

24 So, certainly, when I sent the text that said we're going -- you know, it's not
25 everybody that gets to be on the "War Room." So I didn't say, "Put me on the 'War

1 Room.'" But if it's of any value -- which they thought it was -- then they called me and
2 said, "Hey, do you want to go on the 'War Room'?" And I said, "Yeah, let's do it."

3 So that was not part of my conversation, about going on the "War Room," being
4 on the "War Room," but they thought it was valuable enough, documenting the events
5 happening in Pennsylvania, that I would appear on the "War Room."

6 Q And, again, for the record, to your memory, you didn't have conversations
7 with Mr. Bannon outside of your appearance on "War Room" that day?

8 A Right.

9 Q So you never spoke to Mr. Bannon about January 6th?

10 A Not that I recall, no.

11 Q Okay.

12 So I will pull up another exhibit. This is an email that you provided to us,
13 Mr. Scavo. It's a letter to Bryan Cutler.

14 A Uh-huh.

15 Q Sorry, I scrolled too fast.

16 This was sent to you, looks like Reverend Sean Moon, a couple other people, on
17 December 31st. And it's a letter to the speaker of the House of Pennsylvania.

18 So we don't have to read through it all, but I think this is what you were
19 describing, a letter raising concerns about the integrity of the election in 2020 --

20 A Right.

21 Q -- and calling for members of the general assembly to decertify the electors
22 before January 6th.

23 A Correct.

24 Q And you see that it's written by Lancaster, PA for Free and Fair Elections.

25 A Uh-huh.

1 Q And that's the same page that I mentioned earlier from Charles Bausman.

2 Does this spur your memory at all about Mr. Bausman?

3 A A little bit. It must mean that within my group he's talking to other people,
4 so -- Charles Bausman. I mean -- but, you know, like I said, I know a lot of people and a
5 lot of different groups. Does the guy have a nickname?

6 Q Not that I'm aware of. I can tell you, though, that he fled to Russia, if that
7 helps anything.

8 A Oh. Well, that's crazy. Yeah. Not anything that I could tell you honestly
9 here, like, yeah, I chatted with Charles Bausman.

10 Q Did you do anything with this letter that you received?

11 A Yeah. We sent it to -- I believe that went out, U.S. mail, to Speaker Cutler.

12 Q Great.

13 And then did you organize another rally in front of Speaker Cutler's house on
14 January 3rd?

15 A January 3rd. Yes, that was the one where we went to Speaker Cutler's
16 house, yeah, with Sean Moon.

17 Q All right. So December 30th and January 3rd you went to Speaker Cutler's
18 house?

19 A December 30th. I didn't have -- no. So December 30th was Speaker
20 Cutler's office.

21 Q Office. Okay.

22 A That was his local office.

23 Q Understood. Got it.

24 A And January 3rd was his home, yes.

25 Q Okay. So a shorter drive on the 30th than on the 3rd.

1 A Eh, they were both long drives.

2 Q Okay.

3 And so I guess I've already asked -- I asked you about the December 30th rally, but
4 I might have been confusing them. So do you remember anyone speaking at either of
5 these rallies, the December 30th or January 3rd?

6 A You know, from down in that area, it was pretty much, I believe, the same
7 people. So, really, this December 30 rally was pretty short.

8 Q Okay.

9 A There weren't a lot of people there, there weren't a lot of speakers. You
10 know, I don't even think I spoke at the December 30 rally. If I did, it was just, "Hey,
11 thanks for coming," you know, nothing much. Yeah.

12 So December -- or January 3rd rally, there were more people and there were more
13 speakers at that rally.

14 Q And that's the one where the Lancaster group met up with you?

15 A Yes.

16 Q And Pastor Moon was at that event as well?

17 A Pastor Moon was not at December 30th.

18 Q Not at December 30th.

19 A And neither was Teddy. Pastor --

20 Q Teddy Daniels -- oh, I'm sorry. Go ahead.

21 A Pastor Moon was at the January 3rd, and Teddy Daniels was not. Teddy
22 Daniels doesn't attend these type of things.

23 Q Right. Okay.

24 So I will show you another text from Ms. Preate. Sorry about this. Technology.

25 A Hmm.

1 Q Okay. So you'll see -- it's hard to see, because it's black and white, but you
2 sent a number of photos to Ms. Preate from this rally?

3 A Yeah. Yep.

4 Q She asks, "At his house?"

5 "Yes..crowd building!!"

6 And she says, "Please send me more. Steve wants me to send these to the
7 White House. I need big photos."

8 Do know why Ms. Preate -- or why, at all, the White House would want these
9 photos?

10 A You know, it's significant that any group would be taking the time to
11 outreach to Speaker Cutler. And if there was any person in the State of Pennsylvania
12 that could've made that difference and addressed the election integrity, it's Speaker
13 Cutler. So, yeah, that's -- you know, when you're in these political circles, that's what
14 they wanted to know -- what's happening on the ground in Pennsylvania to address the
15 election integrity.

16 Q Did Ms. Preate or Mr. Bannon, through Ms. Preate, ever explain to you why
17 they thought the White House was specifically interested in your photos?

18 A No.

19 Q Were you sort of amazed by that text message?

20 A Well, you know, wherever the photos go, whether I post them on Facebook
21 or send them in a text message, you know, I'm hoping that they're going to enlighten
22 everybody, show that there is concerns in election integrity. So, yeah, that they'd make
23 it to the White House? Sure. I don't know if they ever did, but yeah. I mean --

24 Q Do you know if Ms. Preate had connections to the White House directly?

25 A No, just through -- you know, Steve Bannon is pretty much the highest-level

1 contact. Maybe Rudy Giuliani. I don't know.

2 Q Did you ever hear about what happened with these photos? Did they ever
3 get to the White House, for instance?

4 A Yeah, never heard anything.

5 Q Okay.

6 A Nobody called. I didn't get a letter from President Trump saying, thanks for
7 standing out in the cold rain, for sending the pictures. So, yeah, I --

8 Q And then in terms of, like, the speakers on January 3rd, do you remember
9 anything about the rhetoric? Were people talked about going to Washington, D.C., on
10 January 6th?

11 A You know, now that I see the timeline, I'm sure it was mentioned. It's three
12 days later, January 6th. So, yeah, yep, we're going down to Washington to witness
13 history, to address the election integrity.

14 And, you know, the Congressmen from Pennsylvania -- Dan Meuser, Fred
15 Keller -- they had invited Pennsylvanians to come down to Washington on January 6th
16 and, you know, talk about election integrity and the certification of Pennsylvania electors.

17 Q Right. Was anyone talking about violence on January 6th?

18 A No. And that's one thing that you'll see. You know, the further you dig
19 into my background, you're going to see that it's all issue advocacy. It's all through
20 candidates, elections, and ballot boxes. There's no violence being planned on. And I
21 didn't conduct any violence on that day and wasn't part of any violence on that day -- or
22 any day.

23 Q Not you specifically, but was anyone around you -- like, I know Teddy Daniels
24 wasn't there on January 3rd, but people who might have a similar inflammatory rhetoric,
25 was any of that being used on January 3rd?

1 A You know, nothing that triggers something in my mind that says, hey,
2 distance from this guy, or, you know, maybe this person is a little bit too violent or crazy
3 in their views, that, you know, would prompt me to make a call and say, hey, check this
4 guy out because he's crazy. No, I mean -- and I'm pretty much able to look at what
5 people say and judge if it's a threat or if it's just chitchat.

6 Q Were people talking about the certi- -- well, were people talking about the
7 Vice President's role on January 6th?

8 A Oh, yeah, yeah. Yes.

9 Q And what --

10 A Vice President Pence, it would be his job, his obligation, to question the
11 electors -- from Pennsylvania. Like I said, the other States, that's not my purview, that's
12 not my jurisdiction. I'm not an elector in those States.

13 But in Pennsylvania, absolutely. If there was one State that he could've said "I
14 have questions on," because of the deliberate actions of the secretary of state, Kathryn
15 Boockvar, it was Pennsylvania. So he didn't do that.

16 Q But on January 3rd, was -- so Mike Pence was a topic of conversation?

17 A Not that I recall, but I'm sure if -- if somewhere there's a recording, it was
18 probably mentioned for a minute or so, because that's how the United States election
19 code works.

20 You know, when you get to these high levels of impropriety and election integrity,
21 there is one person that the Constitution specifies can make these judgment calls, and
22 that is Vice President Mike Pence. And this situation, if it happened now, it would be
23 Vice President Kamala Harris.

24 So nothing really new. But that's some of the steps inside this Constitution and
25 election law that say, "Okay, something's not quite right? Here's the course of events."

1 Q But nothing that stands out about, you know, "Mike Pence needs to do his
2 job," like, the idea that Mike Pence needed to do X, Y, or Z or had an obligation? You
3 don't remember speeches specifically like that?

4 A You know, it probably was the desire and hopes of that. But I'm not sure if
5 the people that are there and the people that speak know the system and know what the
6 steps are. So I couldn't -- I could only speculate, not being able to recall, you know.

7 Because, remember, now, you know, once I spoke, I'm mulling around, walking
8 around in the crowd. I'm not always 100 percent attentive to what the speakers are
9 saying, because I'll tell you this: I've heard it all before. So, you know, there's not a lot
10 that somebody's going to be able to impart to me. So I'm just checking out what's going
11 on.

12 Q Got it.

13 And, then, last question before we move on to January 6th specifically: So
14 there's been reporting about another January 3rd meeting at the Solanco Fairgrounds in
15 Quarryville. Do you know anything about that meeting?

16 There were allegedly some Oath Keepers in attendance, some patriot and militia
17 groups that might have talked about January 6th. There's no reporting that I've seen
18 that says you were there, but I'm just wondering if you know anything about that.

19 A No. Quarryville is -- you know, that's probably an hour from my residence.

20 Q Yeah.

21 A And, by this time, my wife was telling me, you're wasting too much time on
22 politics. So, yeah.

23 Q Understood. Thank you.

24 So, thinking specifically about January 6th now, do you remember when you -- so
25 I've shown you the text message on December 22nd where you said you'd already

1 organized buses with about 200 people going.

2 So do you remember when you decided to go to Washington, D.C., for
3 January 6th?

4 A No. It probably was -- whenever they started talking about a January 5th or
5 January 6th event, I was like, "Eh. The election's over. I'm not going. It's -- you know
6 what? I mean, it's no big thing."

7 And then, at some point, it turned out -- like I said, because of Secretary of State
8 Kathryn Boockvar, I'm like, okay, someone needs to go and question these decisions that
9 she made that are outside of State election law.

10 So, whether it was December 20th, December 19th, whatever it was, that's when I
11 decided, okay, I'm going to go down to Washington.

12 Q Okay. Do you remember a tweet from President Trump either showing up
13 on your Facebook or Twitter or somewhere on December 19th where he says -- you
14 know, asks people to come to Washington, D.C. --

15 A Yeah.

16 Q -- for a wild protest?

17 A Yeah. You know what? Yeah, I'm not -- I wasn't on Twitter that much
18 anyway. But I'm sure that Trump was asking people to go down there, and I'm sure I
19 saw whatever he sent. But that's not so much what made my decision to go. My
20 decision to go was more with my local Congressmen and the fact that Kathryn Boockvar
21 had done what she did.

22 So it wasn't so much President Trump saying, come to Washington. It was more
23 with the process. And, like I said, the Congressmen had said, hey, you know, we're
24 going to vote not to certify, from Pennsylvania. So I said, okay, this is probably
25 someplace I need to be.

1 Q Okay. So you went from thinking the election was over when it was
2 certified to hearing from your local officials that they might -- that they were going to
3 vote not to certify, vote to object, and that --

4 A Right.

5 Q And that gave you the reason to go to Washington, D.C., on January 6th.

6 A Yes. It was part of the decision-making process.

7 Q Were you aware that those Members of Congress were speaking to
8 President Trump about their decisions to object?

9 A Geez, I'm sure they did have conversations, because it was on, you know,
10 talk radio, it was on -- I believe it was on communications from their office, you know,
11 when they send out their emails on a weekly basis. So, without having firsthand
12 knowledge, I would say that's plausible.

13 Q And to your recollection, though, that those Members of Congress only
14 started mentioning their objections, so their coming objections, sometime around
15 December 20th, 21st, you know, after December 19th basically?

16 A Yeah, I'm not sure when they started. But, you know, looking at the
17 timeline, that's probably -- they were probably speaking on this before. And, you know,
18 a lot of things went into making that decision, but that's -- that's probably the
19 overarching. It wasn't Donald Trump saying, come to Washington.

20 Q Got it.

21 A It was more, you know, okay, these guys are really -- they're going to do
22 something. Let's go down there and show some support. So, yeah.

23 Q Would you agree there's an indirect line? You know, President Trump
24 mentions this protest on January 6th, your Members of Congress say they're going to
25 object, and you decide --

1 A Yeah. Yeah, I'd say.

2 Q Okay.

3 And, then, if you want me to pull it back up, I will, but in that text we were looking
4 at earlier where you talked to Ms. Preate about organizing 200 people on buses, you said,
5 "It ain't over."

6 And, just for the record, do you think that was your view that, oh, people are
7 objecting, you know, the election's not over anymore?

8 A Right.

9 Q Okay.

10 A Yeah. The electoral process needs to play out. We need the Pennsylvania
11 Congressmen to vote not to certify. And then, ideally, Mike Pence, seeing that there are
12 questions about the election integrity, would also cast his vote accordingly.

13 Q Okay.

14 And then speaking about the buses specifically, how did you come to help
15 organize those two buses --

16 A So --

17 Q -- or more buses? I'm sorry. How many buses were there?

18 A Four buses, 144 people. We were spaced for COVID protocol, because we
19 could've put more people on those buses. But I had four buses. That was done. I
20 don't need to take any more people. In fact, one bus would've been enough.

21 But I just -- you know, a couple people said, hey, you gonna go down? I said,
22 sure, we'll drive in my truck. Well, by the time -- my truck was filled, and there were
23 more people that wanted to go. So I remembered Debbie Lee had the bus company
24 that we went down in November, so I called her. I said, "Hey, what about this bus
25 company?" She gave me the guy's name, and I called him up.

1 So we filled up one bus. You know, I put that on Facebook. Filled up one bus.
2 And then people kept calling in. Filled up a second bus. Kept calling in. Filled up a
3 third bus. Kept calling in. Filled up a fourth bus. And then I said, "No more buses.
4 We're done. We're done. That's more than enough."

5 Q And these people paid their own way? Or did someone else fund them?

6 A You know what? There was cash, and there was PayPal, because I had
7 PayPal on Facebook. So, you know, the people that paid in advance were assured a
8 seat. People that just showed up and paid cash, then that's fine; we had plenty of seats
9 on the buses.

10 Q Okay. Do you remember the name of the bus company?

11 A Yeah. It's in the documentation. It is Roberts Tour Bus Company out of
12 Phillipsburg, New Jersey.

13 Q I'll actually have to check with one of my colleagues. I didn't see this
14 timeline that you're mentioning in the documentation. So it might be -- sometimes mail
15 can be slow to get in. So I'll check. And I can speak --

16 A It's very cursory. It's just what I recall --

17 Q Yeah.

18 A -- from those days.

19 Q Yeah, we can talk about it after too. I'm not alleging you did anything
20 improper here. I just wanted to note that.

21 So you promoted this trip on Facebook. And -- let's see. What else? Did you
22 coordinate this trip with any other groups?

23 A No. I didn't need to.

24 Q Right. And it was just yourself promoting it, no, like, official group?

25 A No.

1 Q Okay.

2 Did you, like, describe the rally as going to the Ellipse event specifically or just a
3 "stop the steal" event in Washington, D.C.?

4 A You know what? I didn't even use -- I don't believe I used ""stop the
5 steal"." I mean, I may have.

6 But, to me, it seemed like there were multiple groups putting this on, and it was
7 disorganized, and they didn't know what time things were starting. So I was pretty
8 much having a bus trip to D.C. You know, I moved the start times a couple times,
9 because, you know, Trump was going to speak at 11 o'clock, then 10 o'clock, then
10 9 o'clock. So I went from, like, a 7:00 a.m. departure to, like, a 5:30 departure.

11 So, yeah, it was, you know, pretty much, "Hey, I'm running a bus to Washington.
12 We're going to leave at 5:30, 6:00 a.m. in the morning, get here, and then I'll get you guys
13 home at about -- we'll leave at 5:00. You'll be home by 9, 10 o'clock."

14 Q Do you remember how you advertised the event? Did you use, like,
15 "March for Trump" language? Did you use "Rally for Trump"? I'm just trying to get a
16 sense of how you told people.

17 A Hmm. Good question.

18 I don't recall, but I'm sure, out of the many posts, there was probably "support
19 President Trump," there was probably "Washington, D.C., bus trip." Yeah, I don't recall,
20 but whatever the popular memes on Facebook were at the moment is probably what I
21 copied and pasted.

22 Q Okay. Do you remember Women for America First, using any of their
23 pictures of, like, a red bus and a "march to the Capitol" or ""stop the steal"" language?

24 A No. It was probably pretty much, you know, just posting whatever type I
25 put with the red background, "D.C. bus trip," "trip to Washington." So I don't believe I

1 posted a lot of whatever else they had. I might've posted a schedule of ""stop the
2 steal"" or -- I'm not even sure what other groups there were, but --

3 Q Women for America First. They're the ones who put on the Ellipse rally.

4 A Maybe. Maybe.

5 Q There were many groups, as you mentioned. Do you remember Latinos for
6 Trump?

7 A No, I don't recall that one, but, I mean, that's a while going back.

8 Q Yeah.

9 So did you directly pay the bus company --

10 A Yes.

11 Q -- for the service? Okay. And do you remember how much each
12 passenger paid you back?

13 A The trip was \$50 or \$55.

14 Q A person.

15 A Uh-huh.

16 Q Does that include a, like, tip and --

17 A Yeah, whatever -- well, actually, you know what? Tips are separate. So,
18 you know, the people, the bus riders would've given cash to the driver. So, yeah, a
19 tip -- I just paid for the trip.

20 Q And you, yourself, didn't receive any donations to fund the trip?

21 A No. I had every -- in fact, I had to pay money. We were short about 300
22 bucks. So I put in \$300.

23 Q Yeah.

24 And it sounds like you were aware of other bus groups that were attending the
25 rally just through Facebook, but were you specifically in contact with any of those groups?

1 A No, not to the best of my --

2 Q Did --

3 A I don't think anybody reached out to me. It wasn't that big of a
4 coordinated production, in my view.

5 Q Did you ever reach out to, or were reached out to by, a group called Turning
6 Point Action?

7 A Not officially. I might've posted on their site, but not that I'm aware of.

8 Q They didn't offer to help defray the cost of the bus, in other words?

9 A I think I would've remembered that. No, I don't recall anybody offering any
10 financial assistance.

11 Q Great.

12 Do you happen to recall the name of the bus driver and have his or her contact
13 information?

14 A The owner of the bus company, who I think his name is Robert.

15 Q Uh-huh.

16 A That's the guy that drove my bus. But I don't know his last name.

17 Q That's fine. Thank you.

18 And can you describe, like, the atmosphere on the bus, or the buses if you know
19 what the other buses were like, on the way to the event?

20 A Yeah, you know what? People were excited. You know, there was a lot of
21 people that had never been to Washington, D.C., on these buses, because they were old,
22 they had never been to Washington. You know, people -- listen, I had -- you know, the
23 average age of those buses was probably 60. Because I had ladies that had walkers and
24 they were 70, 75. I actually said, "Ladies, where ya going? This is a long walk. This is
25 a long trip." And they're like, "We're going. We're going to Washington."

- 1 So, you know, it was a very jovial, very exciting atmosphere. Yeah, it was a
2 pretty well-organized, pretty well-heeled group of senior citizens.

1

2 [12:18 p.m.]

3

BY MR. [REDACTED]

4

Q Was Mr. Daniels on your bus?

5

A Yeah. Teddy was sitting in the seat right in front of me.

6

Q Okay. And did any passengers on any of the buses that you saw bring like

7

gloves, helmets, ballistic vests, you know, or carry weapons like bear spray?

8

A None. And, in fact, going to that line of questioning, when we arrived on D

9

Street, I specifically said, do not take anything with you. Don't take backpacks, don't

10

take umbrellas, don't take lawn chairs, nothing, because they'll most likely be confiscated.

11

Because in my view, I thought security should have been 110 percent more than what we

12

witnessed. So I thought that if you brought a backpack or an umbrella, that they

13

would've thought there could've been weaponry in it or something else. So I said don't

14

take it, it will probably be confiscated.

15

Unfortunately, the security at that event, Mr. [REDACTED], was inexplicably poor. So

16

my heed to my riders was unfounded, because you could have walked in there with

17

anything and everything. But, you know, from my experience to not wanting to be part

18

of any cabal, I simply stated, leave everything on the bus, travel light.

19

Q Thank you. But were any passengers, that you overheard, talking about

20

being parts of any type of violence at the Capitol that day, defending themselves from

21

violence that day, or just marching to the Capitol in general?

22

A No, but my [inaudible] was very limited because of the fact that, you know, I

23

had to put 144 people on these buses by 6 p.m., so, you know, I was fielding phone calls,

24

people were lost. So I really didn't get to talk to anybody on the other buses, and just

25

my inner circle that was pretty much traveling with me that was on the bus. So I didn't

1 get to interview and speak with anybody post loading the buses. So no.

2 Q So nothing on the way there?

3 A Nothing on the way back.

4 Q Do you know if any of the passengers on the bus got involved with anything
5 at the U.S. Capitol?

6 A Just two. Debbie Lee, who had helped me get these buses, well, she's now
7 under indictment because she entered the Capitol. Now, remember, she's not on my
8 bus. She's on another bus. So I didn't know any of this until much later, months later.
9 And she was there with another gentleman named Mike, Mike Rusyn, R-u-s-y-n, I believe.
10 And he was also indicted for going into the Capitol. So those are the only two people
11 that I became aware of that went into the Capitol, later, much later, probably February or
12 March.

13 Q Okay. So in terms of just departure and pickup locations, so you left -- do
14 you remember exactly where you left from Pennsylvania?

15 A Yeah. It's the Pittston Park and Ride.

16 Q Pittston Park and Ride. And then you said you got dropped off at D Street?

17 A D Street, yup.

18 Q And were you also picked up on D Street?

19 A At D Street, yes.

20 Q And back to the Pittston Park and Ride?

21 A Back to the Pittston Park and Ride.

22 Q Do you remember, D Street northwest, northeast, southwest?

23 A You know, the sign just said D Street. So, yeah, I'm not sure which side it
24 was on. It's on the opposite side of Trump Tower. So there would be -- National Mall,
25 Trump Towers would be directly ahead, and we're on the opposite side of D Street.

1 Q Sounds like southwest, if I'm putting it together in my head, but --

2 A Could be.

3 Q -- that's a good description.

4 A Only [inaudible] three times.

5 Q Great. All right. Any other issues with the trip that stuck out to you while
6 you were there?

7 A No, just that it pretty much, you know, was pretty orderly. It was definitely
8 poorly organized because, you know, two things: There was no security, there was no
9 bathrooms. So when we went down on November 14th for that rally, there was antifa,
10 Black Lives Matter. There was a lot of security. There was harassment. There was
11 porta lavs available.

12 This one, amazingly, no security, no antifa, no BLM advocates or harassers, and
13 no porta lavs. There was no place to go to the bathroom. And I was like, this is already
14 a shit show. Trump's supposed to be speaking. He's not. You know, was supposed
15 to be other speakers at other rallies. They're not happening.

16 So really at about 1 o'clock, 1:20, I told my guys, you know what, we should
17 probably just head back to the bus because there's nothing going on. It's not -- and
18 that's when things went crazy. But, yeah, the -- it was a poorly organized, you know,
19 nice rah-rah, but it was -- you know, Ellipse was packed. You couldn't get a spot. You
20 couldn't hear what they were saying. In fact, I didn't even hear Trump speak.

21 By the time Trump started to speak, Teddy Daniels and I and a few others were
22 already sitting on the benches on the -- at the Capitol, the side the Supreme Court is on.
23 Is that called the east side?

24 Q That is the East Plaza.

25 A We were on the west side of the National Mall, and there's nobody around,

1 and there's nothing going on, and there's not people climbing scaffolds. And, you know,
2 Teddy said, hey, let's go for some lunch. Because Teddy, having run for Congress, knew
3 the area, and we went over and got a sandwich and we walked around the block. And
4 by the time we got back at about 1:20, 1:30, that's when things started to go crazy.

5 So, you know, we were -- as far as we were concerned, Trump was late in his
6 speech. We couldn't hear him. We were sitting in front of the Capitol. There was
7 supposed to be other speakers. Nobody's there, and it's just us saying, hey, man, this
8 was like a wasted trip. So, yeah, that was the sentiment at that point of the day. And
9 there was no security at the Capitol. We're sitting there and there's no -- there's
10 nobody guarding. There's nobody doing anything. It's just, you know, the long ride for
11 nothing.

12 Q So do you remember if you came back on the east side or the west side after
13 your sandwich?

14 A We came back on the east side, which there was really nothing going on.
15 We walked down Constitution Avenue to when we came to the west side.

16 Q At 1:30 or so?

17 A Yes. And at that point, that's when, you know, we saw people climbing the
18 scaffolds. We saw, you know, things starting to go crazy. And the Trump crowd was
19 not even there yet. They were coming up Constitution Avenue from the Ellipse. We
20 could see this huge throng of people, but it wasn't here yet. The Capitol was already
21 under somewhat of a siege. And Teddy had remarked to me, he said, hey, he said, you
22 know what, he said, let's go around to the west side because -- or the east side -- what
23 side is the Supreme Court on?

24 Q East side.

25 A East side. So he said, let's go up to the east side. He said, you know, it's

1 quieter over there. But by the time we got up to the east side, those people from the
2 Ellipse had pretty much -- because we stood around for 15, 20 minutes at least, talking to
3 the cops, which -- believe me, the cops -- there was no chatter on the radio, there's
4 nobody calling for reinforcements. And Teddy's looking at it, he's like, man, these guys
5 are pretty calm for what's going on right here. He said, let's get out of here and go to
6 the back. Because he was talking to the cops. He's a former policeman. He was
7 talking to them.

8 So we went around to the back. And, yeah, it was much calmer in the back.
9 And, you know, we had the conversation about pulling up stakes and going back to the
10 bus because nothing's going on.

11 Q So what exactly were you seeing? You said people climb the scaffolding.
12 Like, what did that make you think? You said siege of the Capitol, so what was going
13 through your mind at that time?

14 A Yeah. You know what, at that point it's like, who are these people dressed
15 in black. And, you know, just from physical stature, they're all like younger, skinny guys,
16 like, climbing these scaffolds dressed in black. And you know what, where's the
17 security? Where's -- because like I said, the people from the Ellipse, the crowd had not
18 come to the Capitol yet. And these were just like maybe a 100, 200 at the most people
19 just, you know, just probably in spaces they shouldn't have been, you know, climbing the
20 scaffold that's going to be used for the inauguration. Well, yeah, that's not something I
21 would do.

22 And after we witnessed that, that's what was on the news. And then the rest of
23 the people came, then they filled in. It was a throng.

24 Q And were you surprised by the violence you were seeing?

25 A Yeah. Absolutely.

1 Q Did you see people -- did you see people scuffling with cops?

2 A No, not particularly. You know, if they were scuffling with the cops, then
3 the question is, why weren't those policeman that we were sitting and standing talking
4 to, which were, you know, as I recollect, 20, 30, maybe 40 along this line, two to three
5 deep -- you know, there was no chatter saying respond, help. So, yeah, it was just like a
6 melee that wasn't being challenged.

7 Q I'm trying to get a better sense of where your vantage was. Were you
8 looking down on the West Plaza? So, like, if the east is behind you, were you back
9 around the left or were you back around the right looking below it?

10 A So I'm on the side of the Constitution Avenue, right? Is that the road that
11 runs up?

12 Q Yeah.

13 A I'm on Constitution. If I look down to the right, that's the Ellipse. If I look
14 to the left, that's the intersection for the Supreme Court. And we're standing pretty
15 much right in front of the steps of the Capitol where the observation scaffolding was
16 being put up. So we could see somewhat the front of the building, and the side of the
17 building were kind of like catty-corner right there, watching some of these events unfold.

18 Q Got it. Got it. So I'm going to pull up -- so these -- I'm going to pull up
19 your statement of facts that came from your criminal case.

20 We can see United States of America v. Frank J. Scavo. And according to the
21 statement of facts, on January 6th at 1:20 -- approximately 1:26 p.m., you posted a
22 message to your Facebook that read, VP Pence fails America.

23 What were you referring to at that moment?

24 A So I'm behind -- right now we're coming from lunch and we're behind the
25 Capitol, and somebody had said that Pence isn't going to challenge. So in my estimation

1 according to the election law, Vice President Pence has the option to challenge the
2 electors and he didn't. So that specifically relates to the fact that, in my view, Vice
3 President Pence failed America because he did not challenge expressly the election
4 integrity in Pennsylvania.

5 Q And did you -- did people around you at the Capitol, were they talking about
6 Vice President Pence a lot at this time?

7 A Not really.

8 Q Okay. Did you expect or hope that this protest would stop the certification
9 of the vote or delay it?

10 A No. No, that's up to Pence and that's up to the Pennsylvania Congressmen.
11 That's not up to me.

12 Q What did you take ""stop the steal"" to mean then?

13 A ""Stop the steal"" was to bring people to Washington to show our elected
14 officials our concern over election integrity, and to show them support if they were going
15 to indeed question their electors, that there was support from their constituents to do so.

16 Q And this was specifically for the November 2020 election, correct?

17 A Right.

18 Q So you're with Mr. Daniels at the Capitol. Anybody else, that you know?

19 A People that were on the bus, but nobody that I knew from really anywhere
20 else.

21 Q Okay. Did any of those people on the bus go into the Capitol with you?

22 A Just -- no. No. I went to the top of those steps to take some pictures of
23 the crowd below. If the three doors would never open simultaneously from the
24 authorities within the Capitol, I would have never been able to enter.

25 Q When you're on the steps, do you hear -- what are you hearing? Do you

1 hear people chanting "hang Mike Pence"?

2 A No, no. When I'm on the steps, I believe it's in my recordings, people are
3 singing God Bless America. It's a very patriotic, pretty much sense of being. An older
4 gentleman walks up to me and says God bless America. So, yeah, it was -- in the best of
5 my recollection, there wasn't a lot of animosity or chanting of, you know, any political
6 official in any respects.

7 Q Nothing about Speaker Pelosi?

8 A Not that I recall, no.

9 Q Anything about a revolution?

10 A Not really.

11 Q Not really or -- so do you remember --

12 A Not that I recall. I specifically don't recall the word "revolution."

13 Q What about 1776?

14 A No.

15 Q Anything about civil war?

16 A No.

17 Q Did you ever hear a chant, "Whose house? Our house"?

18 A Yes.

19 Q Okay. What did you take that to mean?

20 A That's the people's House, that the people through voting have -- you know,
21 have their rights.

22 Q Okay. And how did you get to the top of the stairs on the east side?

23 A I walked up, unchallenged. No security. No issues. No barriers. No
24 yellow tape.

25 Q Did you see the police retreat and then people started walking up the stairs?

1 A No. No.

2 Q You were pretty close to the front of the line, right, on the steps?

3 A That may have happened before I got there, but, no, when I was -- when I
4 was making my way up, which was slow, yeah, I didn't see any police presence.

5 Q Did you have to push past people on the steps to get to the front or were
6 you --

7 A No. No, it wasn't -- it filled in after. When I was on the top of the steps,
8 then the crowd from the Ellipse came, and then I was -- it was a sea of people. But
9 when I got there initially, which was about 5 to 10 minutes, yeah, the steps were not
10 packed. I could easily walk up the steps. There was no police presence. And by the
11 time I turned around and looked down again, the place was packed. So that's when the
12 crowd from the Ellipse had pretty much gotten there.

13 Q Were you one of the first people to walk up those steps or was there a group
14 before you?

15 A You know what, there was a group before me. I'd say I was probably -- it
16 might have been 250, 300 people there when I got there, you know. When they opened
17 the doors, the steps were completely packed. So there was probably 1,000, more,
18 2,000. I mean, it was just -- just happened at that point where that's when the crowd
19 from the Ellipse had come to the Capitol.

20 Q So I want to just share the sentencing memo from the United States in your
21 criminal case. So you see United States of America v. Frank J. Scavo, government
22 sentencing memorandum. And page three, you can see that you also posted the
23 following statements to Facebook with the approximate times indicated.

24 So I'll represent to you that you enter the Cap- -- that the doors opened on the
25 east side, which were actually pushed open by rioters from the inside, around 2:38 p.m.,

1 so all of these posts come before that.

2 A Right.

3 Q So, "Capitol steps stormed," and the "Procession to the Capitol" at 2 p.m.
4 "On the move." "It's going down," at 2:09 p.m., and then, "Pence is out of the Capitol"
5 at 2:32 p.m.

6 So what did you envision was going down?

7 A So the first one, "Capitol steps stormed," that's when we were pretty much
8 out front, and we're watching the front of the Capitol, like I said, with those select few
9 rioters. The next one, "Procession to the Capitol," that shows you the pictures of the
10 people walking up from the Ellipse. So that's what the "Procession to the Capitol" and
11 "On the move means." "It's going down" is the same thing that, you know, these guys
12 are in the front of the Capitol, and they're doing whatever they're doing.

13 Q But what does that mean? What was going down?

14 A That could be either the people just -- like I said, when we got there, the
15 police were not responding and these are the guys climbing on the scaffolding and on the
16 outside of the Capitol. So they're all in concurrence. They don't really depict anything
17 different. They're just different statements on the same event.

18 Q Right. But what did you think "it" was? So like, "It's going down," what
19 were you saying "it" is specifically?

20 A Oh, that there was some type of assault on the Capitol. I mean, if I see
21 those guys with their black outfits on and the police not responding, it's like, okay, what is
22 going on here, it's going down.

23 Q So you've called it an assault, you've called it a siege on the Capitol. Then
24 why did you go in?

25 A Two things. The doors opened. I was in a crowd, so I went in with the

1 crowd. If the doors didn't open, I would have never gone in. And so as soon as I got in,
2 I looked for a way out. So it's a question I spent 60 days in jail for, Mr. [REDACTED], and that
3 question I believe has been answered.

4 Q Well, then why did you go to the top of the stairs if you had already -- if you
5 had already thought it was a siege and an assault, why were you getting closer to those
6 events?

7 A Because the front of the Capitol was different than the rear of the Capitol.
8 The rear of the Capitol was people singing God Bless America, whereas the front of the
9 Capitol, like I said, was a different group, a different crowd.

10 Q So in your view, then, there was a siege and assault on the west side, and on
11 the east side was different?

12 A Right. It was not a siege and assault on the east side.

13 Q Were you aware that people had broken into the Capitol before the doors
14 opened?

15 A I couldn't tell. I wasn't aware that anybody had entered, was in, around.

16 Q So at 2:32 you post, "Pence is out of Capitol."

17 A Uh-huh.

18 Q Do you remember how you became aware of that information?

19 A Yeah. That's what the chatter was on the steps. They said --

20 Q That was people were talking about Mike Pence?

21 A Yes.

22 Q At 2:24 p.m. that day, President Trump tweets out essentially saying Vice
23 President Pence didn't have the courage to do what was necessary.

24 A Yeah. I didn't see that. And on this day, cell phone and Facebook posting
25 was very spotty, like, whether it was jammers or whether it was just simply everybody on

1 their phones. Communication was not reliable from your cell phone.

2 Q So people -- it seems, though, that people had learned that Vice President
3 Pence had been evacuated. So was anyone talking about the 2:24 p.m. tweet or just
4 talking in general about what Vice President Pence had refused to do?

5 A Not that I can relate to.

6 Q Did what Vice President Pence refused to do, did that have any bearing on
7 your decision to go into the Capitol?

8 A No.

9 Q Did you hear anyone around you talk about going in because of what Vice
10 President Pence had refused to do?

11 A No.

12 Q Were people talking about going in to stop the certification of the vote?

13 A No.

14 Q Okay. So in one of the videos you provided, I believe, someone -- it might
15 have been you -- said that they knew what was coming today while you're standing on
16 the steps of the Capitol. Do you have any recollection of what that phrase was about?

17 A Just that people were there to show support.

18 Q But is there a difference between showing support and being literally on the
19 steps of the Capitol where you had seen police previously preventing people from being
20 there?

21 A See, that's the thing, I didn't see police previously there preventing. That's
22 my question. Like, why wasn't there more of a police presence? Because then nobody
23 would have been on any steps, certainly not myself.

24 Q Did you see the barricades when you were there at first around -- when
25 you'd came back from the sandwich?

1 A No. I only saw the barricades in the front of the Capitol, not in -- not at the
2 rear of the Capitol. In fact, we walked past police that were on Constitution Avenue and
3 they didn't say stay outside the perimeter, don't go forward. There was no advice or
4 instructions given as to, you know, don't go here, don't go on the steps, or anything,
5 which I said were already -- they were already occupied when I went there, by senior
6 citizens.

7 Q So I could play the video of you that you provided of you on the steps if
8 you'd like. I'll represent to you that after the doors opened, somebody says, Get out of
9 our way, let us do our job.

10 And then once you're inside, people are shouting "treason," "treason," "treason,"
11 chants of treason, and then you join in the defend your constitution, defend your liberty
12 chant.

13 So do you think, as you remember today, "get out of our way, let us do our job,"
14 what do you think that means?

15 A You know, I don't recall hearing that. Yeah. I don't know.

16 Q Do you think doing our job had anything to do with people wanting to stop
17 the certification of the vote?

18 A I don't know.

19 Q So if we go down in this same sentencing memorandum, at approximately
20 2:43 p.m., while you're inside the Capitol, you post to Facebook, "No certification today."

21 A Uh-huh.

22 Q And you join in the chants of treason and defend the constitution, defend
23 your liberty.

24 Do you remember having any connection between the chants of treason and the
25 idea that the certification of the election was going on?

1 A Well, the comment, "no certification today," is because everybody had left
2 the building.

3 Q And you add three exclamation points. So were you excited that there was
4 no certification?

5 A Not particularly but, you know, that's a Facebook post.

6 Q But why did you post it?

7 A To say there was no certification today. I witnessed the fact that they had
8 left the building, and there was no certification.

9 Q You witnessed Members evacuating?

10 A No. But my assumption was, since the building was breached, that there
11 was no certification.

12 Q So are you representing to me today that you were not excited in any way or
13 happy about the fact that the certification had not -- in your mind had stopped?

14 A Yeah. It was crazy. This was nothing that I ever thought would come to
15 fruition. So, certainly, going to Washington on a bus trip, this was not the intended
16 result.

17 Q And what are the chants of treason about?

18 A That's what the other people were chanting. I joined in for a brief moment.
19 Between adrenaline and bravado, yeah.

20 Q Did you have any belief that certifying the vote was treasonous?

21 A That's not my part. That's not what I do. That's not my job.

22 Q What's not your job?

23 A To certify the vote. Whether it was Congress certify or don't certify the
24 vote, that's not what I -- it's not what I do. I can just be there to show support for not
25 certifying the vote.

1 Q So what did you think was treasonous?

2 A There's nothing there that says I believe anything was treasonous, except for
3 uttering the word "treason."

4 Q Do you normally go around chanting the word "treason"?

5 A Not really.

6 Q Okay. So -- and I understand the crowd was chanting "treason," but what
7 about the word "treason" made you want to join in at that moment?

8 A They were just yelling treason, so guess what -- I mean, nothing really, aside
9 from being in that place at that time.

10 Q At the time, did you think that Vice President Pence's decision not to
11 challenge certification of the vote or to stop the certification of the vote, did you think
12 that was treasonous?

13 A No.

14 Q Okay. And in terms of "defend your constitution, defend your liberty," why
15 did you partake in that chant?

16 A Because that's what I based my life on, defending the Constitution and
17 defending liberty through elections.

18 Q But you just said that there was nothing treasonous about Vice President
19 Pence not objecting --

20 A Vice President Pence gets to do as he sees fit as an elected official. So, I
21 mean, the word -- the word "treason" was uttered in a group. There's no overarching
22 significant value. There's no overarching connections to anything else except for
23 uttering the word "treason" in that atmosphere.

24 Q Did you think being in the Capitol at that moment, that people were
25 defending the Constitution and defending their liberty?

1 A No. I thought they were going to get in trouble. That's why I decided to
2 get out.

3 Q Did you think anything about what was happening around the Capitol and in
4 the Capitol on January 6th was in defense of the Constitution or in the defense of liberty?

5 A No. It was strictly based on election integrity and the fact that the
6 Pennsylvania Congressmen were going to object to the certification.

7 Q That was your view of why you took part in that chant?

8 A Exactly.

9 Q I'm going to show you -- hopefully I can do this without messing everything
10 up. Just give me one second. I'm going to try to pull up one of the videos that you
11 provided to us, Mr. Scavo. Bear with me one second.

12 Sorry about this. Unfortunately, I'm not seeing -- Zoom doesn't seem to be
13 allowing me to do this. Give me one second.

14 Okay. Can you see this video, Mr. Scavo?

15 A Yes.

16 Q Oh, great. I'm going to hit play. If you can't hear it, just let me know.
17 [Video shown.]

18 BY MR. [REDACTED]:

19 Q Okay. So you mentioned storming the Capitol. Do you know why you
20 used that specific language, Mr. Scavo?

21 A That's the interpretation I had.

22 Q So when you say stormed, at that time you knew that -- did you know that
23 you shouldn't be in there?

24 A Absolutely.

25 Q Okay. And did you think that everyone else in the building was not

1 permitted to be there?

2 A Absolutely.

3 Q Did you think that they were Trump supporters around you?

4 A I would assume most were because of the garb they wore, but there were
5 others that certainly didn't wear Trump garb.

6 Q But the people you interacted with seemed to be supporters of President
7 Trump?

8 A So much, yes.

9 Q Okay. So in the last statement, you went, "What the fuck is wrong with
10 America." Do you remember why you said that?

11 A Yeah. Why am I in here, and why are we in here. So that's
12 definitely -- yeah, which I spent 60 days at Fort Dix Correctional Institution in general
13 population for that mistake, Mr. [REDACTED]

14 Q At the time you said it, though, did you think that people storming the
15 Capitol represented something uniquely wrong with the way our society is?

16 A Yes.

17 Q Can you explain that a little bit?

18 A Sure. Should have been more security there so that no one would have
19 entered that Capitol.

20 Q So you think what was uniquely wrong and when you said what the fuck is
21 wrong with America, you were only referencing the security?

22 A I was referencing the whole series of events that allowed the Capitol to be
23 breached.

24 Q Such as?

25 A Lack of security.

1 Q Okay. And you said series of events. So nothing outside, though, your
2 view of how people physically got into it, nothing about the larger political picture in the
3 United States?

4 A It started with the front of the building and the police not responding to the
5 people that were climbing the scaffolding for the inauguration.

6 Q I'm just wondering that your statement about what the fuck is wrong with
7 America was not broader than the day of January 6th and the, you know, hour or two
8 before than when --

9 A No.

10 Q -- people breached it.

11 A It related to my presence in that building and seeing what happened and
12 allowing it to happen.

13 Q Okay. I'm going to share another one of the videos that you provided to us,
14 Mr. Scavo. And please let me know if you can't hear it or see it. It's a little bit longer
15 so --

16 [Video shown.]

17 BY MR. [REDACTED]:

18 Q Okay. So in that video, were you with anyone?

19 A No.

20 Q And I have showed you a couple videos, and you provided a couple videos,
21 and thank you for providing them.

22 Were you hearing anything that wasn't on these recordings? Were you hearing
23 chants, such as "hang Mike Pence," or anything related to Speaker Pelosi while you were
24 in the Capitol?

25 A No. In fact, the crowd had passed me out. So there was just a few people

1 wandering around. So like I said, I knew I shouldn't be in there. I broke away from the
2 crowd and then went to that window to get my location and bearings to say, okay, how
3 do I get out of this Capitol.

4 Q And did you see any violence in the Capitol?

5 A None. No.

6 Q Okay. So a couple of phrases I want to focus on that you said in that video.
7 You said, "I always knew it would come to this day." What did you mean by that?

8 A That was bravado. That was adrenaline. So what did I mean by that?
9 Those were statements I never should have made and statements that are nonsensical.

10 Q So at the time, what did you mean by it? Understanding that you're saying
11 it was bravado but, you know, the words have meaning, so what did you mean?

12 A Once again, that I shouldn't have been in there. This is crazy. And I
13 should leave this premises immediately, which I did.

14 Q Right. But you said, I always knew it would come to this day. So this day
15 on January 6th, at that time, you are -- in your own words, you have stormed the Capitol.
16 You have seen people siege and assault the Capitol on the other side. You're in there
17 and you don't know -- you know you shouldn't be in there.

18 A Right.

19 Q So how did you always know? Like, what -- did you expect that this would
20 happen?

21 A So I -- you know what, on that day, with the adrenaline rushing, I can't
22 explain that. That's something that should have never been said, never been uttered,
23 and under the situation, it's stress. Those words were nonsensical.

24 Q Did you have any inkling before January 6th of the United States needing a
25 revolution or needing some sort of change in the -- you know, serious extreme change in

1 the political system?

2 A No, just through elections and election integrity and issue advocacy.

3 Q So I'm still just trying to struggle with, you know, "I always knew," right? So
4 I understand you've always been focused on election issues and election integrity. Did
5 you think that those issues would culminate in people taking to the House?

6 A No, never imagined it.

7 Q And you say, "we fucking took it back." And then you say -- I hear it. You
8 hear people. You can hear what I'll represent to you as more violent activity off in the
9 distance and people shouting.

10 So what did you mean by "we fucking took it back"?

11 A Just that's crazy talk. Crazy talk. I had been in the Capitol and I shouldn't
12 be, and that was just some remarks that are inexplicable.

13 Q Did you mean you were taking it back from the elected officials who worked
14 there?

15 A No. I'm at a loss for words because that's -- who knows under the duress
16 and under the pressure I was under at that point what those utterances were.

17 Q Were people around you talking about how they took back the Capitol?

18 A Not so much. There weren't really many conversations. I was alone
19 walking through there, assessing how to get out.

20 Q So where did you get the idea of "we fucking took it back"?

21 A Maybe a movie, maybe a book. I don't know. And you could tell by my
22 temperance and my sentence structure that there was a lot of adrenaline and a lot of
23 comments that were made wildly in that building that are inexplicable.

24 Q Was that idea, though, of storming the Capitol, of coming to D.C. to take the
25 country back, were those ideas circulating in your brain prior to January 6th?

1 A No.

2 Q Were they things you had heard pretty often at your rallies or on social
3 media posts?

4 A Not so much. No. To say that they had never been spoken? No. I
5 mean, that's not something that happens. It's all through the elections and the ballot
6 box.

7 Q Did you ever see anybody post on social media prior to January 6th about
8 planning to occupy the Capitol or storm the Capitol?

9 A No. Not that I recall, no.

10 Q Okay. And you don't remember anyone at any rally talking about doing
11 that on January 6th?

12 A No.

13 Q Do you remember any of them talking about taking the country back from
14 the elected officials?

15 A When you speak of taking the country back, there's really two parties. So
16 it's either the Republican win or Democrat win, and it's limited to elections. So you can
17 take the country back by voting a certain way. So if you have representation in one
18 district by Republican, the other one by Democrat, the Democrats could take it back and
19 the Republicans could take it back, depending on the district. So that's what that's
20 limited to.

21 Q Never connected to the certification of the vote on January 6th specifically?

22 A No.

23 Q Okay. So I want to pull up one more text message between you and Ms.
24 Preate. One second.

25 So this text is from January 6th at night. Okay. So at 11:14 p.m., you text Ms.

1 Preate, "What a day, 200 NEPA," which I assume means northeastern Pennsylvania,
2 "patriots" all caps, "in attendance." And Ms. Preate says, "God bless you," and three
3 hearts.

4 Do you know why she said God bless you?

5 A For going to Washington, for taking the time.

6 Q So this is after the violence, obviously, it's 11:14 p.m.

7 A Yes. Yup.

8 Q Did you and she, Ms. Preate, ever have a conversation about January 6th
9 after these text messages?

10 A You know, not that I recall. Pretty much after the January 6th event, that
11 was it, it was done. So the election --

12 [REDACTED] Did I freeze or did you freeze? Hello?

13 Can either of the reporters hear me? Okay.

14 So we lost Mr. Scavo. Go on a quick recess.

15 [Recess.]

16 [REDACTED] We'll go back on the record at 1:06.

17 BY MR. [REDACTED]

18 Q You were in the middle of answering my question about whether you had
19 had any conversations with Ms. Preate after January 6th?

20 A Yeah, not that I recall.

21 Q Great. And do you have any sense of why she would say God bless so late
22 in the night after the violence had occurred?

23 A Yeah, it was a long day just from having a successful bus trip, getting
24 everybody home safely so, you know, common courtesy, hey, God bless.

25 Q And at that time, did you -- you mentioned patriots -- actually, I'll just pull it

1 back up.

2 "What a day."

3 [Zoom malfunction for reporter.]

4 A -- to Washington, D.C., absolutely. But entering the Capitol was my own.

5 And that was --

6 Q Okay. What about the people around you, do you think that they were
7 exercising their political voice while entering the Capitol or doing something else?

8 A Well, see, that's the thing. I didn't have knowledge of anyone else entering
9 the Capitol. So simply riding down to Washington, D.C., is an exercise of your freedoms,
10 but not entering the Capitol. On the steps, no problem. Entering the Capitol, problem.

11 Q Okay. And I want to focus on the word "patriots" here, and I can take this
12 down. We don't need to keep seeing it.

13 Do you have any sense of why you specifically used the word "patriots" to
14 describe the people you were with?

15 A Anybody that's going to go down to Washington, D.C., in the winter,
16 January 6th, especially the age of the people that went, senior citizens, they do more than
17 sit on the couch and do more than vote. They actually wanted to go down and take part
18 in history January 6th, to show support for the electoral system and their concern for
19 election integrity. So they're patriots.

20 Q For exercising their political voice, correct, in an active way?

21 A Uh-huh.

22 Q Would you use that word "patriots" to describe people who went into the
23 Capitol that day and stormed the Capitol?

24 A No. No.

25 Q Okay. So it was not a patriotic act?

1 A No. That's crossing the line.

2 Q Thank you very much.

3 And just more general looking back on January 6th, what are your thoughts about
4 the day, whatever we are, a year and almost 6 months removed?

5 A Well, like I started off saying, the tremendous lack of security caused the
6 situation that is a stain on the American history. None of this would have ever
7 happened if there were National Guard, law enforcement. It's not my position to say
8 what needs to be there, but having nothing there and allowing this to precipitate was
9 unconscionable. I mean, it caught up me, who has no criminal record, has been elected
10 to public office, has been in the public eye for multiple years, and now I'm a victim of this
11 event.

12 And simply, if there were, in my estimation, 50 more policemen at the rear of that
13 Capitol, nothing would've happened. So looking back, yeah, it's a -- the FBI had stated
14 to me that it is not a criminal act to go to Washington, D.C., and have a bus trip with other
15 participants. So I take my actions and entering the Capitol as a mistake, and I paid for
16 that. But can this be conducted better in the future? Because I'm sure there's gonna
17 be other contested elections. So will we not have enough security in the future again?
18 Because having all those people down there at a poorly organized and, in my view, a
19 poorly attended event, and then having this be the result. Who's in charge of that,
20 [REDACTED]?

21 And I wasn't, and I made my mistake and I paid for it. And the rest of my riders
22 on my bus, they had a good day. They paid for it. Treated well. We made it home
23 safely. So for those select few that made that mistake and are now clogging up the
24 United States courts and have your committee assembled, then, you know, it -- the
25 reflection should be on how do we prevent this.

1 So in my estimation, it should have never happened. 144 riders from Scranton,
2 Pennsylvania, should have went down there, should have pretty much at, you know,
3 whatever time Mike Pence said I'm not going to vote to question or decertify, then it
4 would've been head back to the buses and go home at 1:40, and that didn't happen. So
5 it's a tragedy. It's a mistake. But here we are, you know, January 6th.

6 Q And you've called it a stain on American history, a tragedy, January 6th are
7 those descriptors.

8 Do you put any sort of responsibility on former President Trump for what
9 happened on January 6th?

10 A Whatever actors are involved from either side, the fact remains that there
11 was no security there. So my question is, if Donald Trump is not in charge of security,
12 then who is and why wasn't it there? Because regardless of what Donald Trump says or
13 thinks, if there was security there, it would have negated anything, any premonition from
14 anyone to do anything else than just assemble peaceably.

15 So, you know, did I fault Trump? Trump's been the same -- he's the same guy he
16 was when he ran for office than he was on January 6th. Same rhetoric. Nothing
17 changed. The deciding factor here was the lack of security.

18 [REDACTED] Well, thank you very much, Mr. Scavo, for taking the time here. I
19 don't have any further questions.

20 And not seeing anyone else on the Zoom, at this time -- CJ, do you have anything
21 you'd like to add?

22 Mr. Rotteveel. I have no followup, no.

23 [REDACTED] Great. So at this time, we will adjourn the deposition, subject to the
24 call of the chair, and stand in recess at 1:14 p.m.

25 [Whereupon, at 1:14 p.m., the deposition was recessed, subject to the call of the

1 chair.]

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Certificate of Deponent/Interviewee

I have read the foregoing ____ pages, which contain the correct transcript of the answers made by me to the questions therein recorded.

Witness Name

Date